

OFFICE OF COUNCILMEMBER ANITA BONDS
CHAIR, COMMITTEE ON EXECUTIVE ADMINISTRATION AND LABOR
THE JOHN A. WILSON BUILDING
1350 PENNSYLVANIA AVENUE, NW
WASHINGTON, DC 20004

December 8, 2023

Nyasha Smith, Secretary
Council of the District of Columbia
1350 Pennsylvania Avenue, N.W.
Washington, DC 20004

Dear Secretary Smith,

Today, along with Councilmembers Kenyan R. McDuffie, Zachary Parker, Vincent C. Gray, and Christina Henderson, I am introducing the **“Straightforward Approach for Fundamental Equity in the Workplace (SAFE Workplace) Act of 2023”**. Please find enclosed a signed copy of the legislation that provides a straightforward approach in handling sexual harassment complaints made against District government employees.

Our society is operating in a “new normal” due to a post-pandemic work culture, younger generations entering the workforce, increased diversity in our communities, and other factors that impact the overall workplaces in general. Despite this changing landscape, there are basic standards that must apply to all our government employees. The Committee on Executive Administration and Labor oversees various accountability agencies, DC Human Resources, the Executive Offices of the Mayor, Office of Inspector General, and other key departments and offices. The Committee began its investigative activities by sending a questionnaire to all agencies and conducted a working group in the summer of 2023 to evaluate the process and procedure of filing a sexual harassment complaint. Opportunities for improvement were discovered through these investigative activities; and, moreover, Mayor Bowser updated her Mayor’s Order 2017-313 by releasing Mayor’s Order 2023-131. These activities, coupled with the existing Sexual Harassment Policies at the DC Courts and the DC Council, led to this legislation.

Currently, different Sexual Harassment Policies govern the District Government’s branches of government and independent agencies. Additionally, there are multiple channels for reporting a sexual harassment complaint, which causes employee confusion and hesitation. Absent a more

unified approach, we are not operating as one government of the District of Columbia. Furthermore, like other workforces, including the private sector, our District government employees may transfer from one workplace to another within the government. Without a comprehensive approach, the process and procedure provided in one place of employment may not be applicable in another place of employment. As such, we need a straightforward approach that simplifies the processes involved.

To facilitate a healthy professional environment, workplaces should be free from harassment, including sexual harassment, retaliation, bullying, discrimination, and favoritism. Specifically, a more unified and straightforward reporting approach will increase fundamental equity in our workplaces (SAFE Workplace), especially for those who experience harassment at work. Accordingly, as the local District of Columbia government, we must ensure that all of our employees are working in a safe and healthy environment without being subjected to harm.

Should you have any questions about this legislation, please contact Aimellia Siemson, Senior Advisor and Counsel, at asiemson@dccouncil.gov or (202) 724-8171.

Thank you,

A handwritten signature in black ink, appearing to read 'ANB', is positioned above the name Anita Bonds.

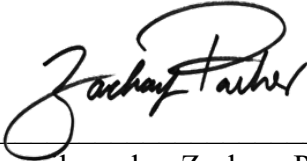
Anita Bonds

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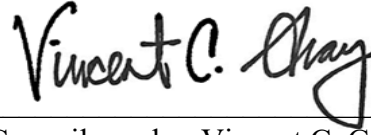

4 Councilmember Kenyan R. McDuffie



Councilmember Anita Bonds

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9 Councilmember Zachary Parker



Councilmember Vincent C. Gray

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14 Councilmember Christina Henderson

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19 A BILL

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24 IN THE COUNCIL OF THE DISTRICT OF COLUMBIA
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30 To provide procedures for handling sexual harassment complaints made against District
31 government
32 employees.
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34 BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA,
35 That this act may be cited as the “Straightforward Approach for Fundamental Equity in the
36 Workplace (SAFE Workplace) Act of 2023”.

37 Sec. 2. Definitions.

38 For the purposes of this act, the term:

39 “(1) “District government” shall mean all agencies under the jurisdiction of the

40 Mayor, including independent agencies pursuant to D.C. Official Code § 1-603.01, Office of the
41 Attorney General, Council of the District Columbia, District of Columbia Courts, Advisory
42 Neighborhood Commissions, and all subordinate agencies.

43 “(2) “Harassment” can include sexual harassment or unwelcome sexual advances.
44 Harassment does not have to be of a sexual nature, but can include offensive remarks about a
45 person’s sex, bullying, retaliation, offhand comments, which creates a hostile or offensive work
46 environment.

47 “(3) “Sexual harassment” shall mean harassing conduct or language that is
48 unwelcome based on that person’s sex. Sexual harassment can include unwelcome sexual
49 advances, requests for sexual favors, and other verbal, touching, or physical harassment of a
50 sexual nature.

51 Sec. 3. District Government prohibition of sexual harassment.

52 “(a) All District Government employees, including those under the
53 jurisdiction of the Mayor, independent agencies pursuant to D.C. Official Code § 1-603.01,
54 members of Boards and Commissions, Office of the Attorney General, Council of the District
55 Columbia, District of Columbia Courts, Advisory Neighborhood Commissions, and all
56 subordinate agencies are prohibited from sexually harassing behavior and conduct (verbal and
57 physical) other employees, officials, members of the public, vendors, contractors, grantees,
58 customers, clients, or other persons working or visiting at District Government worksites or
59 service sites inside and outside District Government agencies during their tenure or appointment.

60 “(b) All harassment complaints outlined in the D.C. Human Rights Act
61 shall include conducts such as sexual harassment, bullying, retaliation, discrimination,
62 favoritism, may result in discipline of the employee and accommodations of the contractor,

63 grantee, customer, or visitor by replacing that employee with a different employee.

64 “(c) Dating, romantic, or sexual relationships in the workplace are
65 prohibited, regardless of the employee’s position, unless such relationship is properly disclosed
66 in writing to the employing agency’s Human Resources Director or similar position. Such
67 relationships are not limited to gender identity or sexual preferences.

68 “(1) Disclosure pursuant to subsection XX-F(1)(c) shall retain
69 permanent confidentiality; and

70 “(2) Supervisor shall exercise authority and judgement on possible
71 new placement of the parties involved in a dating, romantic, or sexual relationship.

72 “(d) All District Government employees shall not initiate a dating,
73 romantic, or sexual relationship with interns, trainees, or recruits if the employee is in the same
74 agency and office or division as the trainee, recruit, or intern.

75 “(e) Retaliation for reporting or filing a claim of harassment, including but
76 not limited to assisting another person in reporting, termination, intimidation, opposing sexual
77 harassment, acting as a witness in a sexual harassment investigation, intervening to protect others
78 from sexual harassment advancement are prohibited.

79 “(1) Retaliatory conduct may include, but is not limited to,
80 unwarranted reprimands, unfairly downgrading personnel evaluations, transfers to less desirable
81 positions, verbal or physical abuse, and altering schedules to a more inconvenient arrangement.

82 Sec. 4. Agency responsibilities.

83 “(a) The District of Columbia Department of Human Resources (DCHR),
84 in consultation with the Office of the Chief Technology Office (OCTO), shall create a means
85 through PeopleSoft for employees to quarterly acknowledge their receipt and agreement to

86 comply with the District Government’s anti-harassment law.

87 “(b) DCHR, in consultation with the Office of Human Rights (OHR) and
88 the Mayor’s Office of Legal Counsel (MOLC), shall establish qualification standards for Sexual
89 Harassment Officer job descriptions and assist in the recruitment of such position.

90 “(c) DCHR shall create and disseminate training and collateral materials
91 pertaining to workplace harassment, sexual assault, and mental health access to all agencies
92 under the jurisdiction of the Mayor, independent agencies pursuant to D.C. Official Code § 1-
93 603.01, Office of the Attorney General, Council of the District Columbia, District of Columbia
94 Courts, Advisory Neighborhood Commissions, and all subordinate agencies.

95 “(d) Within 90 days after publication of this Act, DCHR shall establish a
96 Workplace Culture Task Force (Task Force) of eleven (11) members to operate for at least 24
97 months, at which point such function will be re-evaluated.

98 “(1) The Task Force comprising of at least the following entities:
99 D.C. Council, D.C. Courts, OHR, Office of the Attorney General (OAG), Office of Risk
100 Management (ORM), and MOLC shall meet quarterly to evaluate current workplace culture and
101 professional practices, which may include workplace etiquette, verbal and non-verbal
102 communication, and physical demeanor.

103 “(e) OCTO shall develop a pop-up notification on all electronic devices
104 that require all employees to acknowledge and agree to comply with the District Government’s
105 anti-harassment law and information on resources for sexual assault and mental health access.

106 “(f) OHR, in consultation with DCHR, shall provide annual refresher
107 training and collateral materials on any new harassment issues to be disseminated to all District
108 Government agencies to provide to its staff.

109 “(g) The MOLC shall receive and maintain all complaints and conclusions
110 of each investigation into a centralized electronic system.

111 Sec. 5. Reporting and investigations.

112 “(a) Each Deputy Mayor’s Office shall designate one licensed attorney as
113 a SHO, who is trained and qualified to serve as SHO by demonstrating competency and
114 sensitivity in addressing sensitive harassment complaints.

115 “(b) SHO’s primary responsibility is to receive and investigate complaints
116 to develop a comprehensive report of each finding and conclusion that is submitted to the
117 MOLC.

118 “(c) All allegations of harassment against the Mayor, City Administrator,
119 Mayor’s Chief of Staff, Mayor’s Cabinet, and Deputy Mayors shall be referred to the Inspector
120 General to determine if the allegation is credible, and if credibility is found, subsequently be
121 referred for an independent investigation conducted by a private entity outside of the District
122 Government.

123 “(d) All allegations of harassment against other District Government
124 employees shall be investigated by District Government Sexual Harassment Officer (SHO).

125 “(e) Quarterly reports of all investigations shall be provided
126 to the Mayor’s Office of Legal Counsel (MOLC) and MOLC shall subsequently submit such
127 report to the Chairman of the Council of the District of Columbia’s (D.C. Council) and
128 Committee with oversight of the District Government’s personnel matters.

129 “(f) Pending SHO or independent investigation, the employing entity, in
130 consultation with DCHR, shall take administrative interim remedial actions it deems appropriate
131 to mitigate the possibility of the alleged harassing conduct from continuing.

132 “(g) If no harassment was determined at the conclusion of the
133 investigation, the employing entity, shall reinstate the employee to its original status prior to the
134 administrative interim remedial action, if remedial action was taken.

135 “(h) If harassment was determined at the conclusion of the investigation,
136 the employing entity shall take appropriate disciplinary action, up to and including termination.

137 “(i) Upon a determination that harassment occurred, the victim shall be
138 entitled to settlement pursuant to D.C. Official Code § 2-402.

139 Sec. 6. Criminal acts.

140 “(a) If there is an allegation of criminal misconduct, such as sexual assault,
141 kidnapping, false imprisonment, stalking, or a threat to do bodily harm, the alleged criminal
142 conduct shall be reported to a law enforcement agency.

143 “(1) Complainant is encouraged to report allegations of criminal
144 misconduct to a law enforcement agency, including the Metropolitan Police Department (MPD);

145 “(2) Upon SHO’s discovery of allegations of criminal misconduct,
146 the SHO shall report the alleged criminal misconduct to a law enforcement agency, including the
147 MPD.

148 “(b) If during an investigation of harassment, the SHO or independent
149 investigator uncovers evidence of ongoing crime such as sexual extortion in exchange for
150 government services or employment, the investigator shall notify the Mayor and law
151 enforcement immediately in writing.

152 Sec. 7. Fiscal impact statement.

153 The Council adopts the fiscal impact statement in the committee report as the fiscal
154 impact statement required by section 4a of the General Legislative Procedures Act of 1975,

155 approved October 16, 2006 (120 Stat. 2038; D.C. Official Code § 1-301.47a).

156 Sec. 8. Effective date.

157 This act shall take effect following approval by the Mayor (or in the event of veto by the
158 Mayor, action by the Council to override the veto), a 30-day period of congressional review as
159 provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December
160 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of
161 Columbia Register.

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