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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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HOUSE BILL

No. 1957 Session of  
2018

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INTRODUCED BY THOMAS, MURT, KINSEY, KIRKLAND, SCHLOSSBERG,  
ENGLISH, DRISCOLL, D. MILLER, SCHWEYER, CALTAGIRONE, MADDEN,  
DONATUCCI AND GAINNEY, FEBRUARY 2, 2018

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REFERRED TO COMMITTEE ON RULES, FEBRUARY 2, 2018

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AN ACT

1 Providing for the requirement of sexual harassment training for  
2 members, officers, employees, interns and fellows of the  
3 General Assembly and for a periodic survey.

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

6 Section 1. Short title.

7 This act shall be known and may be cited as the Pennsylvania  
8 Says Sexual Harassment Ends Now Act.

9 Section 2. Definitions.

10 The following words and phrases when used in this act shall  
11 have the meanings given to them in this section unless the  
12 context clearly indicates otherwise:

13 "Employee." Any of the following:

14 (1) A member, officer or employee of the Senate or House  
15 of Representatives.

16 (2) An intern or fellow serving in a position in an  
17 office without regard to whether the intern or fellow  
18 receives compensation.

1 "Office." An office employing employees of the Senate or  
2 House of Representatives.

3 "Officer." An elected or appointed officer of the General  
4 Assembly.

5 "Sexual harassment." Harassment that constitutes  
6 discrimination based on sex that is prohibited under section 201  
7 of the Congressional Accountability Act of 1995 (Public Law 104-  
8 1, 2 U.S.C. § 1311).

9 Section 3. Sexual harassment training.

10 (a) General rule.--The Senate and House of Representatives  
11 shall each issue rules requiring an employee to periodically  
12 complete sexual harassment training.

13 (b) Requirements.--The rules issued under subsection (a)  
14 shall include the following:

15 (1) An employee elected, appointed or hired after the  
16 date on which the rules are issued who was not serving as an  
17 employee immediately before being elected, appointed or hired  
18 shall complete the training under subsection (a) no later  
19 than 60 days after the date on which the individual assumes  
20 the position.

21 (2) An individual employed on the date on which the  
22 rules are issued who has not previously completed training  
23 under subsection (a) shall complete the training no later  
24 than 60 days after the date on which the rules are issued.

25 (3) In addition to complying with paragraphs (1) and  
26 (2), each employee shall complete a course of training under  
27 subsection (a) periodically, as specified by the Senate and  
28 House of Representatives.

29 (4) An office shall submit to the Committee on Ethics of  
30 the Senate or the Committee on Ethics of the House of

1 Representatives:

2 (i) A list of each employee in the office on the  
3 date on which the rules are issued who previously  
4 completed training under subsection (a).

5 (ii) Information regarding the completion of  
6 training under subsection (a) after the date on which the  
7 rules are issued by the office.

8 (iii) Notice of a failure by an employee in the  
9 office to comply with the rules.

10 (c) Contents of training.--Sexual harassment training  
11 required by the rules issued under subsection (a) shall include  
12 the following:

13 (1) Information and practical guidance regarding  
14 applicable Federal and State laws concerning the prohibition  
15 against and the prevention and correction of sexual  
16 harassment and the rights of victims of sexual harassment in  
17 employment.

18 (2) Practical examples aimed at instructing supervisors  
19 in the prevention of sexual harassment.

20 (3) Presentations by individuals with knowledge and  
21 expertise in the prevention of sexual harassment.

22 (4) A discussion of the consequences for perpetrators of  
23 sexual harassment.

24 (5) Information regarding the prohibition against  
25 retaliation against witnesses to or individuals who  
26 experience sexual harassment and who report the harassment.

27 (d) Consultation.--The Senate and House of Representatives,  
28 in implementing the training under subsection (a) and in making  
29 updates to the training, shall consult with the following:

30 (1) Entities having significant expertise in

1 identifying, preventing and responding to sexual harassment.

2 (2) Sexual harassment victims or sexual harassment  
3 victim advocates.

4 Section 4. Periodic survey.

5 During each legislative session, the Senate and House of  
6 Representatives shall:

7 (1) In consultation with an entity having expertise in  
8 developing surveys, conduct an anonymous survey of employees  
9 relating to the prevalence of sexual harassment in the  
10 General Assembly during the previous legislative session,  
11 which shall include questions regarding:

12 (i) The experience of the respondent with sexual  
13 harassment or related inappropriate behavior in the  
14 General Assembly.

15 (ii) If the respondent experienced sexual harassment  
16 or related inappropriate behavior and did not report the  
17 incident, why the respondent chose not to do so.

18 (2) Submit a report on the results of the survey to the  
19 Committee on Ethics of the Senate or the Committee on Ethics  
20 of the House of Representatives.

21 (3) Take all steps necessary to preserve the anonymity  
22 of survey respondents and protect the confidentiality of any  
23 data that is collected under this section.

24 Section 5. Personal liability of employers.

25 No payment shall be made from any account of the General  
26 Assembly for an award or settlement resulting from a violation  
27 of a right or protection established under law which was  
28 committed personally by an employee.

29 Section 6. Notification.

30 (a) Employees of the General Assembly.--The Senate and House

1 of Representatives shall distribute a memorandum to all  
2 employees containing the sexual harassment policies and  
3 reporting procedures of the office in which they are employed.

4 (b) Lobbyists.--The General Assembly shall send a memorandum  
5 to all registered lobbyists expressing a zero tolerance policy  
6 for sexual harassment in a legislative agency.

7 Section 7. Effect of act.

8 (a) General rule.--Except as provided in subsection (b),  
9 this act shall be used to supplement policies and procedures  
10 established by the General Assembly, including those contained  
11 in an employee handbook of the General Assembly.

12 (b) Conflicting provisions.--In the event of a conflict  
13 between a provision under this act and a policy or procedure  
14 established by the General Assembly, the provision under this  
15 act shall govern.

16 Section 8. Effective date.

17 This act shall take effect in 60 days.