
THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 480 Session of
2019

INTRODUCED BY COLLETT, MUTH, L. WILLIAMS, KEARNEY, SANTARSIERO,
FARNESE, HUGHES, STREET, SCHWANK, TARTAGLIONE AND COSTA,
APRIL 8, 2019

REFERRED TO LABOR AND INDUSTRY, APRIL 8, 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

15 A. General Provisions

16 B. Office of Compliance

17 C. Administrative Provisions

1 D. Prevention and Response Training

2 SUBCHAPTER A

3 GENERAL PROVISIONS

4 Sec.

5 2101. Scope of chapter.

6 2102. Legislative intent.

7 2103. Definitions.

8 2104. Prohibition.

9 2105. Retaliation.

10 § 2101. Scope of chapter.

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

13 § 2102. Legislative intent.

14 This chapter is intended to:

15 (1) Protect employees of legislative agencies from
16 sexual harassment.

17 (2) Provide for the investigation and resolution of
18 complaints involving sexual harassment of employees of
19 legislative agencies.

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

22 § 2103. Definitions.

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

26 "Caucus." The Democratic or Republican Caucus of the Senate
27 or House of Representatives.

28 "Complaint." A written report of a violation of section 2104
29 (relating to prohibition) or 2105 (relating to retaliation)
30 filed by an employee under section 2114 (relating to complaint

1 and hearing) and the policies and procedures established by the
2 office.

3 "Director." The director of the office.

4 "Elected official." A member of the Senate or House of
5 Representatives.

6 "Employee." The following:

7 (1) An employee of a legislative agency.

8 (2) An officer of the Senate or House of
9 Representatives.

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

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

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

13 (2) Subject to paragraph (15), the House of
14 Representatives.

15 (3) The Capitol Preservation Committee.

16 (4) The Center for Rural Pennsylvania.

17 (5) The Joint Legislative Air and Water Pollution
18 Control and Conservation Committee.

19 (6) The Joint State Government Commission.

20 (7) The Legislative Budget and Finance Committee.

21 (8) The Legislative Data Processing Committee.

22 (9) The Independent Regulatory Review Commission.

23 (10) The Legislative Reference Bureau.

24 (11) The Local Government Commission.

25 (12) The Pennsylvania Commission on Sentencing.

26 (13) The Legislative Reapportionment Commission.

27 (14) The Legislative Audit Advisory Commission.

28 (15) With respect to an employee of the Senate or House
29 of Representatives, other than an employee of an officer of
30 the Senate or House of Representatives, the caucus with

1 control or supervision of the employee's job
2 responsibilities.

3 (16) The Office of Compliance established in Subchapter
4 B (relating to Office of Compliance).

5 (17) The office of an officer of the Senate or House of
6 Representatives.

7 (18) Another office, agency, board or commission under
8 the control or supervision of the Senate or House of
9 Representatives.

10 "Office." The Office of Compliance established in Subchapter
11 B.

12 "Party." The employee filing a complaint or the employee or
13 elected official who is the subject of a complaint, as the
14 context shall require.

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

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

19 § 2104. Prohibition.

20 The following conduct is prohibited:

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

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

27 (3) Engaging in conduct constituting sexual harassment
28 that unreasonably alters an individual's terms, conditions or
29 privileges of employment including conduct that is so
30 frequent or severe that it creates a hostile, offensive or

1 intimidating work environment.

2 § 2105. Retaliation.

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

7 (1) files a complaint under section 2114 (relating to
8 complaint and hearing) or a civil action under section 2113
9 (relating to initiation of proceedings);

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

12 (3) participates in an investigation conducted under
13 section 2114(b); or

14 (4) discloses, reports or opposes sexual harassment that
15 constitutes a violation of section 2104 (relating to
16 prohibition).

17 SUBCHAPTER B

18 OFFICE OF COMPLIANCE

19 Sec.

20 2111. Office of Compliance.

21 2112. Duties.

22 2113. Initiation of proceedings.

23 2114. Complaint and hearing.

24 2115. Judicial review.

25 § 2111. Office of Compliance.

26 (a) Establishment.--The Office of Compliance is established
27 as an independent office within the legislative branch of the
28 Commonwealth. The office shall be charged with receiving,
29 investigating and resolving complaints.

30 (b) Selection committee.--The selection committee is

1 established to appoint a director after conducting a search and
2 interviewing applicants for the position and to exercise other
3 authority provided under this chapter. The selection committee
4 shall consist of one member from each of the four caucuses, to
5 be appointed by:

6 (1) the Majority Leader and the Minority Leader of the
7 Senate; and

8 (2) the Majority Leader and the Minority Leader of the
9 House of Representatives.

10 (c) Director.--

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

19 (2) No individual who is registered as a lobbyist under
20 65 Pa.C.S. Ch. 13A (relating to lobbying disclosure) or who
21 is an employee at the time of submission of an application
22 for appointment may be eligible for appointment as director.

23 (3) The compensation of the director shall be set by the
24 selection committee.

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

28 (d) Term of director.--

29 (1) The term of office of the director shall be six
30 years. An individual appointed as director to fill a vacancy

1 prior to the expiration of a term shall serve only for the
2 unexpired portion of the term.

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

6 (3) The director may be removed for cause by a
7 concurrent resolution passed by the Senate and the House of
8 Representatives.

9 (e) Staff.--

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

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

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

27 § 2112. Duties.

28 The office shall perform the following duties:

29 (1) Establish and implement policies and procedures for
30 reporting, investigating and resolving complaints not

1 inconsistent with this chapter. The policies and procedures
2 shall include a separate process for complaints filed about
3 an employee of the office, including the director, and shall
4 be posted on the office's publicly accessible Internet
5 website.

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

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

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

28 § 2113. Initiation of proceedings.

29 (a) Initial contact.--An employee may contact an individual
30 designated under 2112(3) (relating to duties) for assistance in

1 determining the employee's rights under this chapter and other
2 Federal, State or local law.

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

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

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

14 (3) such other exceptions as the office by regulation
15 may direct.

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

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

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

25 § 2114. Complaint and hearing.

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

29 (1) The subject of the complaint.

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

1 subject is an employee.

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

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

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

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

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

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

28 (1) Commenced no later than 60 days after the completion
29 of the investigation under subsection (b), except that the
30 office may, for good cause, extend the time for conducting

1 the hearing for up to an additional 30 days.

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

3 (e) Discovery and attorneys.--

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

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

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

13 (f) Subpoenas.--

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

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

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

26 (4) If a person refuses, on the basis of relevance,
27 privilege or other objection, to testify in response to a
28 question or to produce records in connection with a
29 proceeding before a hearing officer, the hearing officer
30 shall rule on the objection.

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

5 (h) Confidentiality.--

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

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

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

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

22 (i) Decision.--

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

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

29 (j) Procedure.--

30 (1) Except as may be provided under this chapter, the

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

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

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

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

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

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

25 § 2115. Judicial review.

26 (a) Appeal.--A party aggrieved by a decision of a hearing
27 officer under section 2114 (relating to complaint and hearing)
28 may file a petition for review of the decision in Commonwealth
29 Court, which shall have appellate jurisdiction over the
30 petition.

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

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

6 (2) inconsistent with required procedures; or

7 (3) unsupported by substantial evidence.

8 SUBCHAPTER C

9 ADMINISTRATIVE PROVISIONS.

10 Sec.

11 2121. Legal assistance.

12 2122. Counseling.

13 2123. Nondisclosure agreements.

14 2124. Workplace adjustments.

15 2125. Settlements and awards.

16 2126. Right-to-Know Law.

17 2127. Reports.

18 2128. Safe harbor.

19 § 2121. Legal assistance.

20 (a) Option.--

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

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

29 (3) This section shall not apply to an attorney engaged
30 by a party in connection with a civil action filed under

1 section 2113(c) (relating to initiation of proceedings).

2 (b) Approval.--

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

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

12 (c) Contract.--

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

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

23 § 2122. Counseling.

24 An employee filing a complaint may seek reimbursement from
25 the office for the cost that is not reimbursed by insurance of
26 any counseling sought by the employee from a professional
27 therapist trained in psychological issues arising out of
28 subjection by the employee to sexual harassment constituting a
29 violation of section 2104 (relating to prohibition).

30 § 2123. Nondisclosure agreements.

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

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

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

20 § 2124. Workplace adjustments.

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

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

26 (1) removing the employee filing the complaint or the
27 subject of the complaint from the physical work location of
28 the employee filing the complaint; or

29 (2) allowing the employee filing the complaint to be
30 placed on administrative leave with continued pay and

1 benefits, if applicable.

2 § 2125. Settlements and awards.

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

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

12 (i) The employer of the subject of the complaint if
13 the subject is an employee.

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

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

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

27 (1) The employer of the subject of the complaint if the
28 subject is an employee.

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

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

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

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

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

16 § 2126. Right-to-Know Law.

17 (a) Legislative agency.--For purposes of the act of February
18 14, 2008 (P.L.6, No.3), known as the Right-to-Know Law, the
19 office shall be considered a legislative agency as defined under
20 section 102 of the Right-to-Know Law and shall provide
21 legislative records in accordance with the Right-to-Know Law
22 except as otherwise provided in this section.

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

29 (c) Redaction.--At the request of the employee who filed a
30 complaint, the office shall redact the name of the employee and

1 any facts that may lead to the identification of the employee
2 from a record provided in accordance with the Right-to-Know Law.
3 § 2127. Reports.

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

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

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

16 (2) Whether the complaints were filed about employees or
17 elected officials.

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

19 (4) The number of settlement agreements entered into by
20 the parties.

21 (5) The number of settlement agreements with
22 nondisclosure provisions.

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

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

27 (8) How many employees filing complaints remained
28 employed by the legislative agency following resolution of
29 the complaint.

30 § 2128. Safe harbor.

1 (a) Employees.--The rights, protections and benefits
2 afforded employees by this chapter shall be deemed to
3 supplement, and be in addition to, any right, protection or
4 benefit afforded by any other Federal, State or local law.

5 (b) Employers.--Notwithstanding subsection (a), an employer
6 shall not be required to establish and maintain separate
7 policies and procedures for the reporting of or response to a
8 complaint alleging the violation of section 2104 (relating to
9 prohibition) or 2105 (relating to retaliation) provided the
10 employer cooperates with the office and otherwise complies with
11 the employer's obligations under this chapter.

12 SUBCHAPTER D

13 PREVENTION AND RESPONSE TRAINING

14 Sec.

15 2131. Development of training programs.

16 2132. Schedule.

17 § 2131. Development of training programs.

18 (a) Duty of office and attendance.--The office shall develop
19 training programs concerning the prevention of and response to
20 sexual harassment that constitutes a violation of section 2104
21 (relating to prohibition) and conduct that constitutes a
22 violation of section 2105 (relating to retaliation). All
23 employees and elected officials shall attend the training
24 programs.

25 (b) Contents of training programs.--

26 (1) The training programs shall be based on the
27 principles of effective prevention and best practices in
28 consultation with a Statewide rape crisis center or other
29 organization with experience in counseling, training and
30 addressing issues of sexual harassment that constitutes a

1 violation of section 2104.

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

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

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

8 (iii) The effects of sexual harassment constituting
9 a violation of section 2104 on victims and the workplace
10 at large.

11 (iv) Examples of barriers to reporting incidences of
12 violations of sections 2104 and 2105.

13 (v) The consequences of being found to be in
14 violation of section 2104 or 2105 or found to be in
15 violation of Federal law prohibiting sexual harassment or
16 retaliation.

17 (vi) A description of the policies and procedures
18 developed by the office under section 2112(1) (relating
19 to duties), the procedures for contacting the office and
20 filing a complaint and the option for filing a civil
21 action.

22 (vii) Referrals and resources, including rape crisis
23 centers and other counseling services, attorneys, the
24 United States Equal Employment Opportunity Commission and
25 other similar Federal and State agencies.

26 (3) The additional training program for employees of the
27 office shall include at least the following elements:

28 (i) The receipt of disclosure of incidences of
29 sexual harassment, including confidentiality and privacy
30 considerations.

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

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

6 (iv) Trauma-informed systems of response,
7 investigation and resolution.

8 (v) The anticipated roles of employees and elected
9 officials in the complaint, investigation, hearing and
10 resolution process.

11 § 2132. Schedule.

12 The office shall conduct the training programs developed
13 under section 2131 (relating to development of training
14 programs) as follows:

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

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

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

30 Section 2. The addition of 46 Pa.C.S. Ch. 21 shall apply to

1 conduct constituting a violation of 46 Pa.C.S. §§ 2104 or 2105
2 which occurs or is alleged to occur on or after the effective
3 date of this section.

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