

House Bill 662

By: Representatives Kendrick of the 93rd, Oliver of the 82nd, Trammell of the 132nd, Beverly of the 143rd, and Schofield of the 60th

A BILL TO BE ENTITLED
AN ACT

1 To amend Chapter 11 of Title 28 of the Official Code of Georgia Annotated, relating to the
2 "Ethics and Efficiency in Government Act," so as to define the term "sexual misconduct";
3 to require the presentation of classes or courses relating to sexual misconduct; to provide for
4 video recording and availability to absent members; to provide for certification of attendance;
5 to amend Chapter 10 of Title 45 of the Official Code of Georgia Annotated, relating to codes
6 of ethics and conflicts of interest, so as to provide for a class on sexual misconduct to be
7 made available to state employees; to provide that all department heads shall be presented
8 such class; to repeal conflicting laws; and for other purposes.

9 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

10 style="text-align:center">**SECTION 1.**

11 Chapter 11 of Title 28 of the Official Code of Georgia Annotated, relating to the "Ethics and
12 Efficiency in Government Act," is amended in Code Section 28-11-3, relating to definitions,
13 by adding a new paragraph to read as follows:

14 "(3.1) 'Sexual misconduct' means any unwelcome and unwanted sexual advances,
15 requests for sexual favors, or verbal or physical conduct of a sexual nature without regard
16 to whether:

17 (A) There is or is not economic injury to or discharge of the victim;

18 (B) The victim is an employee of the General Assembly, an employee of another
19 branch of government, a lobbyist, a constituent or other visitor to the state capitol, or
20 any member of the public with whom a member comes into contact;

21 (C) The actions occur on public or private property;

22 (D) The actions occur during or after business hours; or

23 (E) An employer-employee relationship exists or does not exist between the parties."

24 **SECTION 2.**

25 Said chapter is further amended in Code Section 28-11-4, relating to the availability of
 26 instructional classes and courses to members of the General Assembly and payment of and
 27 reimbursement of expenses, by designating the existing subsection (a) as paragraph (a)(1)
 28 and inserting new paragraphs to subsection (a) as follows:

29 "(2) In addition to the subjects provided for in paragraph (1) of this subsection, the
 30 classes or courses shall include at least two hours of classroom or other effective
 31 interactive training and education regarding sexual misconduct. Such presentation shall
 32 be recorded and made available on the Internet to any member or employee of the
 33 General Assembly not in attendance. The training and education made available by this
 34 subsection shall include information and practical guidance regarding the federal and
 35 state statutory provisions concerning the prohibition against and the prevention and
 36 correction of sexual misconduct and the remedies available to victims of sexual
 37 misconduct in employment. The training and education shall also include practical
 38 examples aimed at the prevention of misconduct, discrimination, and retaliation. Such
 39 classes or courses shall be presented by trainers or educators with knowledge and
 40 expertise in identifying examples of misconduct, discrimination, and retaliation. Each
 41 member of the General Assembly shall file with the institute not later than the first day
 42 of February of each odd-numbered year an affidavit attesting to the fact that he or she has
 43 participated in or been made aware of a class or course as detailed in this subsection or
 44 has watched a video or been made aware of a video recording of the most current course
 45 within the last three months.

46 (3) The institute shall design and distribute to members and employees of the General
 47 Assembly, including interns and temporary session employees, an anonymous annual
 48 survey to determine any issues relating to sexual misconduct and any unreported
 49 instances of misconduct and evaluate the practical effectiveness of the training provided
 50 for in paragraph (2) of this subsection."

51 **SECTION 3.**

52 Chapter 10 of Title 45 of the Official Code of Georgia Annotated, relating to codes of ethics
 53 and conflicts of interest, is amended by revising paragraph (8) of Code Section 45-10-90,
 54 relating to definitions relative to legislative ethics, as follows:

55 "(8) 'Sexual harassment' means ~~making sexual advances, requesting sexual favors, or~~
 56 ~~other verbal or physical conduct of a sexual nature when~~ any unwelcome and unwanted
 57 sexual advances, requests for sexual favors, or verbal or physical conduct of a sexual
 58 nature without regard to whether:

- 59 ~~(A) Submission to such conduct is made explicitly or implicitly a term or condition of~~
 60 ~~an individual's employment~~ There is or is not economic injury to or discharge of the
 61 victim;
- 62 ~~(B) Submission to or rejection of such conduct by an individual is used as a basis for~~
 63 ~~employment decisions affecting the employee; or~~ The victim is an employee of the
 64 General Assembly, an employee of another branch of government, a lobbyist, a
 65 constituent or other visitor to the state capitol, or any member of the public with whom
 66 a member comes into contact;
- 67 ~~(C) Such conduct interferes with the employee's work performance or creates an~~
 68 ~~intimidating, hostile, or offensive work environment.~~ The actions occur on public or
 69 private property;
- 70 (D) The actions occur during or after business hours; or
- 71 (E) An employer-employee relationship exists or does not exist between the parties."

72 **SECTION 4.**

73 Said chapter is further amended in Article 2, relating to conflicts of interest, by adding a new
 74 part to read as follows:

75 "Part 7

76 45-10-110.

77 As used in this part, the term 'sexual misconduct' means any unwelcome and unwanted
 78 sexual advances, requests for sexual favors, or verbal or physical conduct of a sexual nature
 79 without regard to whether:

- 80 (1) There is or is not economic injury to or discharge of the victim;
- 81 (2) The victim is an employee of the General Assembly, an employee of another branch
 82 of government, a lobbyist, a constituent or other visitor to the state capitol, or any
 83 member of the public with whom a member comes into contact;
- 84 (3) The actions occur on public or private property;
- 85 (4) The actions occur during or after business hours; or
- 86 (5) An employer-employee relationship exists or does not exist between the parties.

87 45-10-111.

88 The board of the Georgia General Assembly Training Institute shall, by rule or regulation,
 89 establish a training class or course on identifying, preventing, and addressing sexual
 90 misconduct in the workforce. Such class shall include at least two hours of classroom or
 91 other effective interactive training and education regarding sexual misconduct. Such class

92 shall be recorded and made available on the Internet to any employee of the executive
93 branch of state government on demand. The training and education made available by this
94 Code section shall include information and practical guidance regarding the federal and
95 state statutory provisions concerning the prohibition against and the prevention and
96 correction of sexual misconduct and the remedies available to victims of sexual misconduct
97 in employment. The training and education shall also include practical examples aimed at
98 the prevention of misconduct, discrimination, and retaliation. Such class or course shall
99 be presented by trainers or educators with knowledge and expertise in identifying examples
100 of misconduct, discrimination, and retaliation. Each department head shall be presented
101 with such class, either through personal attendance or recorded video, not later than the
102 first day of February of each odd-numbered year."

103

SECTION 5.

104 All laws and parts of laws in conflict with this Act are repealed.