

Senate Bill 313

By: Senators Parent of the 42nd, Jordan of the 6th, Henson of the 41st, Tate of the 38th, Seay of the 34th and others

A BILL TO BE ENTITLED
AN ACT

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

10 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

11 **SECTION 1.**

12 Code Section 28-11-4 of the Official Code of Georgia Annotated, relating to the availability
13 of instructional classes and courses to members of the General Assembly and payment of and
14 reimbursement of expenses, is amended by designating the existing subsection (a) as
15 paragraph (a)(1) and inserting following subsection (a) the following:

16 "(2) In addition to the subjects provided for in paragraph (1) of this subsection, the
17 classes or courses shall include at least two hours of classroom or other effective
18 interactive training and education regarding sexual harassment. Such presentation shall
19 be recorded and made available on the Internet to any member or employee of the
20 General Assembly not in attendance. The training and education required by this
21 subsection shall include information and practical guidance regarding the federal and
22 state statutory provisions concerning the prohibition against and the prevention and
23 correction of sexual harassment and the remedies available to victims of sexual
24 harassment in employment. The training and education shall also include practical
25 examples aimed at the prevention of harassment, discrimination, and retaliation. Such
26 classes or courses shall be presented by trainers or educators with knowledge and

27 expertise in the prevention of harassment, discrimination, and retaliation. Each member
 28 of the General Assembly shall file with the institute not later than the first day of
 29 February of each odd-numbered year an affidavit attesting to the fact that he or she had
 30 either participated in a class or course required by this subsection or had watched a video
 31 recording of the most current course within the past three months.

32 (3) The institute shall design and distribute to members and employees of the General
 33 Assembly, including interns and temporary session employees, an anonymous annual
 34 survey to determine any issues relating to sexual harassment and evaluate the practical
 35 effectiveness of the training provided for in paragraph (2) of this subsection."

36 **SECTION 2.**

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

40 "(8)(A) 'Sexual harassment' means making sexual advances, requesting sexual favors,
 41 or other verbal or physical conduct of a sexual nature when:

42 (A)(i) Submission to such conduct is made explicitly or implicitly a term or condition
 43 of an individual's employment;

44 (B)(ii) Submission to or rejection of such conduct by an individual is used as a basis
 45 for employment decisions affecting the employee; or

46 (C)(iii) Such conduct interferes with the employee's work performance or creates an
 47 intimidating, hostile, or offensive work environment.

48 (B) Such term also means unwelcome and unwanted sexual advances, requests for
 49 sexual favors, and other verbal or physical conduct of a sexual nature even if:

50 (i) There is no economic injury to or discharge of the victim;

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

54 (iii) The actions occur on public or private property."

55 **SECTION 3.**

56 Said chapter is further amended by adding at the end of Article 2, relating to conflicts of
 57 interest, a new part to read as follows:

58

"Part 759 45-10-110.

60 The board of the Georgia General Assembly Training Institute shall, by rule or regulation,
61 establish a training class or course on identifying, preventing, and addressing sexual
62 harassment in the workforce. Such class shall include at least two hours of classroom or
63 other effective interactive training and education regarding sexual harassment. Such class
64 shall be recorded and made available on the Internet to any employee of the executive
65 branch of state government on demand. The training and education required by this Code
66 section shall include information and practical guidance regarding the federal and state
67 statutory provisions concerning the prohibition against and the prevention and correction
68 of sexual harassment and the remedies available to victims of sexual harassment in
69 employment. The training and education shall also include practical examples aimed at the
70 prevention of harassment, discrimination, and retaliation. Such class or course shall be
71 presented by trainers or educators with knowledge and expertise in the prevention of
72 harassment, discrimination, and retaliation. Each department head shall be presented with
73 such class, either through personal attendance or recorded video, not later than the first day
74 of February of each odd-numbered year."

75

SECTION 4.

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