

Senate Executive Departments and Administration Committee

Jennifer Horgan 271-2609

SB 235-FN, relative to sexual harassment complaints in the general court and authorizing an independent human resources professional.

Hearing Date: February 20, 2019

Time Opened: 9:01 a.m.

Time Closed: 9:24 a.m.

Members of the Committee Present: Senators Carson, Cavanaugh, Rosenwald, Chandley and Reagan

Members of the Committee Absent : None

Bill Analysis: This bill establishes the position of independent human resources professional in the general court administrative office. The bill also requires members of the general court to receive training on sexual harassment and authorizes the human resources professional to handle sexual harassment complaints.

Sponsors:

Sen. Feltes

Sen. Soucy

Sen. Hennessey

Who supports the bill: Senator Feltes; Jess Eskeland, NHCADSV

Who opposes the bill: No one

Summary of testimony presented in support:

Senator Feltes (provided written testimony)

- Elected officials hold positions of power; those in the majority hold more power.
- There is a power differential between elected officials and staff/the public/advocates that the body must be cognizant of, especially in the context of claims of sexual harassment.
- The senate president or speaker of the house should not be handling complaints against elected officials. Views it as an inherent conflict; at minimum it is a perceived conflict.
- This bill creates an independent human resource officer.
- A lot of other states already do this.
- Provided an amendment to the Committee.
- The amendment recognizes that this may not need to be a full-time position and it allows for the State to employ or contract legal counsel outside of the independent human resource professional.

- The last part of the bill requires development of a new sexual harassment policy to govern the members of the General Court.
- About half of the states have done this.
- The bill does not say what those best practices are; the Facilities Committee would have to approve them.
- The amendment changes the training requirement of the bill to say that prior to each biennium the Facilities Committee shall vote on a rule to require in person education and training regarding sexual harassment.
- It does not set up a constitutional requirement of service.
- This ensures that these issues are handled outside of the political context.
- The amendment also requires the best practices to be reviewed and revised every biennium.
- The amendment is a reasonable approach.
- Currently, people do not feel comfortable raising these issues.
- Senator Rosenwald asked on line 8 of the amendment whether it should be ‘the employee and contract ‘or ‘the employee or contract’.
 - Does not want to do an ‘or’ situation and create the perception of either having the employee or a contract. Maybe do an ‘and or’.
- Senator Carson pointed out that there are no qualifications listed for this job. Thinks it is important to have someone who does have experience
 - On line 13 could add ‘and trained in the best practices there to’
- Senator Carson asked if this is looking to develop a uniform policy for both bodies.
 - The designated resource professional will develop the policy and the Facilities Committee will approve it.
- Senator Carson asked what role the Ethics Committee will play in the process.
 - The intent is not to wipe out the Ethics Committee’s current role. The intent is for the human resources professional to be a clearinghouse and they will determine whether to send it to the Ethics Committee or the Attorney General or law enforcement. Maybe add ‘in addition to the procedures in RSA14-B, I(d), as it pertains to sexual harassment.’
- Senator Carson asked about a statute of limitations on this.
 - Thinks that is a reasonable question for the Committee to consider. The intent is to focus on people who are serving. Does not want to preclude complaints against someone that just left office. Maybe restrict it to a certain number of years after someone left office.

Jessica Eskeland (NHCADSV)

- This is critically important to the General Court and everyone who works in it and regularly visits it.
- These issues have risen to the forefront of our social consciousness and several legislatures have made efforts to curtail this.
- Sexual harassment takes place everywhere and the General Court is no exception.
- The number one reason that people who have concerns and complaints do not come forward is fear of retribution or not knowing the process clearly.

- Would want this office to be seen as truly independent and that individuals are fully aware of the process.
- Would be happy to work with any professional taking this office and work on establishing best practices.
- Senator Reagan asked how many reported instances of harassment by members of the General Court have there been.
 - That is something the chiefs of staff would have. The NHCADSV does collect complaints.
- Senator Reagan asked if anyone has complained to her.
 - People do, but it is antidotal. The chiefs of staff would keep track of the complaints.
- Senator Reagan asked how often people speak to her about this.
 - Hears from people a few times a month every session simply out of virtue of her position and not because she is someone official to be reporting to.

Summary of testimony presented in opposition:

None

Neutral Information Presented:

Senator Carson requested that Senate Research provide copies of the Maine and Vermont laws for the Committee.

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Date Hearing Report completed: February 26, 2019