

MEMORANDUM OF UNDERSTANDING

The Office of the Legislative Administrator (OLA) and the Oregon Law Commission (OLC) enter into the following Memorandum of Understanding (MOU).

1. OVERVIEW AND PURPOSE

The Oregon Legislative Assembly and the Oregon State Capitol should be a model workplace where each person feels safe and can work without fear of harassment. The power differential between elected officials and persons who work for the Legislative Assembly and in the State Capitol has made achieving this objective challenging and the Legislative Assembly has fallen short of the challenge on occasion. The Legislative Assembly wishes to enlist the commission's assistance in reviewing the Legislative Assembly's statutes, rules, policies and procedures related to workplace harassment and to advise the Legislative Assembly on how best to revise the statutes, rules, policies and procedures.

The Legislative Assembly intends to make any required revisions during the regular 2019 session of the Legislative Assembly and requires completion of the services described in this MOU in sufficient time for drafting any required statutes, adopting any required rules or otherwise revising any policies or procedures in advance of or, as appropriate, during the legislative session.

2. AGENCY ROLES AND RESPONSIBILITIES A. OLC RESPONSIBILITY

OLC shall:

- Review the Legislative Assembly's legal ability to discipline members of the Legislative Assembly for misconduct. The review must include examining whether the Legislative Assembly may impose intermediate measures to ensure the safety of persons in the State Capitol, including measures that restrict the time, place and manner of a member's access to the State Capitol or State Capitol facilities if the member is accused of misconduct.
- Examine whether the Oregon State Constitution may or must be amended to facilitate the timely discipline of members for misconduct.
- Review laws and rules that govern harassment among members and employees of the Legislative Assembly, lobbyists and members of the public, that provide complaint processes and procedures and that protect persons who file complaints from retaliation.
- Make recommendations for adding to, amending or otherwise improving the adequacy, clarity, effectiveness, timeliness and other relevant aspects of the constitutional provisions, statutes, rules, policies and procedures that govern the Legislative Assembly's ability to prevent and respond to workplace harassment. Make any other recommendations that in the Commission's professional judgment, or the professional judgment of the Commission's subcontractor, will better enable the Legislative Assembly to create and maintain a workplace that is free of harassment.

- Engage and provide an adequate and significant opportunity for legislators, employees, lobbyists and members of the public to provide input into the Commission's review, examination and recommendations.
- Provide a draft and final report of the Commission's review, examination and recommendations in accordance with the requirements set forth in Section 3 of this Statement of Work.
- Host and provide any facilities and assistance necessary to direct an employee of the Legislative Assembly on loan to assist the OLC in staffing this project

A. SCHEDULE AND DELIVERABLES

OLC shall:

- Submit a draft work plan to the President of the Senate and the Speaker of the House of Representatives within 30 days after the parties execute this MOU. This shall include public involvement schedule and suggested workgroup membership.
- Submit not later than December 31, 2018, a minimum of two copies, addressed to the President of the Senate and the Speaker of the House of Representatives, a final report that addresses and incorporates OLC's comments to the extent reasonable and consistent with OLC's professional judgment or the professional judgment of OLC's subcontractors.