By:  Rodríguez S.J.R. No. 6

SENATE JOINT RESOLUTION

proposing a constitutional amendment establishing the Sexual Harassment Oversight Commission.

BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1.  The Texas Constitution is amended by adding Article XVIII to read as follows:

ARTICLE XVIII

Sec. 1.  In this article:

(1)  "Commission" means the Sexual Harassment Oversight Commission.

(2)  "Legislative employee" means an employee of the senate, the house of representatives, or a legislative service agency, including:

(A)  legislative aides to members;

(B)  legislative interns; or

(C)  volunteer staff.

(3)  "State agency" means a board, commission, office, department, or other agency in the executive, judicial, or legislative branch of state government. The term does include institutions of higher education.

(4)  "Third party" means a newsperson, lobbyist, or member of the general public who has business at the State Capitol or who is doing business with legislative service agencies, the senate, or the house of representatives.

Sec. 2.  (a)  The Sexual Harassment Oversight Commission is established.

(b)  The commission is composed of five members as follows:

(1)  one member appointed by the governor;

(2)  one member appointed by the lieutenant governor;

(3)  one member appointed by the speaker of the house of representatives;

(4)  one member appointed by the president of the State Bar of Texas who is a licensed attorney specializing in employment law; and

(5)  one member appointed by the president of the largest union representing employees of state agencies.

Sec. 3.  (a)  Members of the commission serve four-year terms.

(b)  A vacancy on the commission shall be filled in the same manner as the original appointment.

Sec. 4.  The commission shall:

(1)  in consultation with each legislative standing committee with primary jurisdiction over administration, human resources staff employed by the legislature, and any legislative staff attorneys who specialize in labor law, establish a standardized sexual harassment policy for persons involved in the work of the legislature;

(2)  publish the policy established under Subdivision (1) of this section on the public Internet websites of the house of representatives and the senate;

(3)  recommend to state agencies minimum standards for sexual harassment policies;

(4)  review and investigate all complaints of violations of the commission's sexual harassment policy submitted to the commission; and

(5)  impose appropriate sanctions against persons who violate the commission's sexual harassment policy.

Sec. 5.  The sexual harassment policy under Section 4 of this article must:

(1)  include a clear definition of sexual harassment;

(2)  apply to legislators, legislative employees, and third parties;

(3)  include a clear statement prohibiting retaliation for submitting a complaint to the commission;

(4)  include a statement providing confidentiality, to the extent possible, for all persons involved with a complaint submitted to the commission;

(5)  include a procedure for obtaining assistance from an independent investigator who is not involved with the work of the legislature in investigating a sexual harassment complaint, if warranted;

(6)  include an appeals procedure; and

(7)  provide notice that a complainant is not precluded from also filing a complaint with the federal Equal Employment Opportunity Commission or the Texas Workforce Commission for the same conduct.

Sec. 6.  The commission may receive classified information and issue subpoenas to investigate complaints of violations of the commission's sexual harassment policy under Section 4 of this article submitted to the commission.

Sec. 7.  The commission shall adopt sanctions that may be imposed on a person found by the commission to have violated the commission's sexual harassment policy under Section 4 of this article.

Sec. 8.  (a)  Not later than January 1 of each odd-numbered year, the commission shall prepare a report that includes:

(1)  a description of each complaint of a violation of the commission's sexual harassment policy under Section 4 of this article submitted to the commission, including the commission's conclusions regarding and response to the complaint and excluding any confidential information;

(2)  a review of sexual harassment policies adopted by state agencies, including each agency's complaint investigation procedures; and

(3)  recommendations to prevent sexual harassment.

(b)  The commission shall submit reports under Subsection (a) of this section to the chairs of each legislative standing committee with primary jurisdiction over administration, the governor, the lieutenant governor, and the speaker of the house of representatives.

(c)  The commission shall publish reports under Subsection (a) of this section on the public Internet websites of the senate and the house of representatives.

SECTION 2.  The following temporary provision is added to the Texas Constitution:

TEMPORARY PROVISION. (a) This temporary provision applies to the constitutional amendment proposed by the 86th Legislature, Regular Session, 2019, providing for the establishment of the Sexual Harassment Oversight Commission.

(b)  As soon as practicable after the effective date of Article XVIII of this constitution, the relevant appointing authorities shall appoint the members of the Sexual Harassment Oversight Commission.

(c)  As soon as practicable after at least three members are appointed, the Sexual Harassment Oversight Commission shall adopt a sexual harassment policy under Section 4, Article XVIII, of this constitution.

(d)  Article XVIII of this constitution applies only to conduct that occurs on or after the date the Sexual Harassment Oversight Commission adopts the initial sexual harassment policy under Section 4 of that article.

(e)  This temporary provision expires November 1, 2020.

SECTION 3.  This proposed constitutional amendment shall be submitted to the voters at an election to be held November 5, 2019. The ballot shall be printed to permit voting for or against the proposition: "The constitutional amendment establishing the Sexual Harassment Oversight Commission."