

MINUTES
Approved by the Committee
Respectful Workplace Task Force Committee
Thursday, March 01, 2018
7:30 A.M.
Room W403
Boise, Idaho

Co-chair Senator Cherie Buckner-Webb called the meeting to order at 7:30 a.m.

The workgroup members in attendance were: Co-chair Senator Cherie Buckner-Webb; Senators Todd Lakey and Lori Den Hartog; Representatives Tom Dayley, Paul Amador and Sally Toone; Chad Houck - Deputy Secretary of State; Carrie Maulin - Chief Clerk of the House of Representatives; Caitlin Lister - Senate Minority Chief of Staff; Jack Lyman - Idaho Housing Alliance; Toni Lawson - Idaho Hospital Association; and Marty Durand - Idaho Building Trades. LSO Staff: Terri Kondeff - Chief Operations Officer and Ana Lara - Administrative Assistant. Absent and Excused: Co-chair Representative Caroline Nilsson Troy; Senator Carl Crabtree; Melissa Davlin - Idaho Public Television; and Jennifer Novak - Secretary of the Senate.

Co-chair Buckner-Webb called for the approval of the February 22, 2018 minutes. **Representative Amador made a motion to approve the February 22, 2018 minutes. The motion passed by voice vote.**

Representative Amador inquired about the approach for public record requests with respect to complaints. Mr. Houck explained that Brian Kane, Assistant Chief Deputy in the Office of the Attorney General (OAG), had stated that complaints would be considered confidential as employee records per the current statute. Mr. Lyman asked whether the policy would be applicable to non-state employees. Mr. Houck responded in the negative; the draft policy would defer non-state employees to their own respective policies.

Co-chair Buckner-Webb outlined some of the factors to consider in the event the workgroup decided to outsource the initial complaint process to the OAG:

- Complaints made to a designated OAG resource could be done by:
 - Phone or in person; or
 - Message after business hours.
- OAG's recommendations and considerations:
 - Power disparities;
 - Availability of male and female representatives;
 - Personnel in the complainant's chain of command; and
 - Training required for the designated receivers of complaints.
- The OAG intake process would:
 - Include a trained investigator, within the OAG staff, designated by Mr. Kane; and
 - Ascertain who, what, when and where.

The OAG provided some factors for the workgroup to consider:

- Quality and thoroughness of the investigation;
- Parameters;
- Timetable;
- Training - specifically in assessing credibility;
- Probes for details; and
- Responsibility for the investigation and final report.

With respect to reporting:

- Who would be identified as the "leader" to meet with the AG;
- What disposition options would be available; and
- Which groups could be affected by the policy (i.e., Legislature, lobbyists, LSO staff, media, etc.).

Policy issues to determine include:

- Process during the legislative session;
- Process for the interim session; and
- Resolution options.

Ms. Durand volunteered to undertake defining what the policy process would entail during the session and the interim as well as the resolution options.

Workgroup Discussion:

- Potential concern with respect to the OAG investigating a member of the Legislature;
- Expertise and experience within the OAG with respect to performing investigations;
- Division of Human Resources (DHR) could potentially serve as an additional/secondary option to perform investigations in the event that there was a conflict with the investigator in the OAG;
- The need to clarify the neutrality of the investigator;
- A group of three - consisting of the Speaker, Pro Tem and a Legislative Services Office (LSO) staff member - could receive the investigatory report, and potentially a recommendation, with respect to the severity of the harassment.
- Utilizing the same three group members could provide greater consistency and experience;
- Incorporating the policy within the ethics committee process;
- Potential use of audio/visual media (e.g., skype) during the interim for the dissemination of investigatory report(s), findings, etc. to the reporting group;
- Person receiving the complaint must turn it over to the OAG;
- Timetable for reporting a complaint;
- The potential for a complainant to request someone to accompany the complainant to the OAG to initiate the complaint process;
- The need for clear guidelines with respect to the "duty to report" and confidentiality;
- OAG requested that the Legislature recommend a reasonable timetable for the OAG to respond to a complaint and make contact with the complainant; and
- Potential reasonable timetable of 24 hours, upon receipt of the complaint, for the person receiving the complaint to respond.

Co-chair Buckner-Webb stated that she would speak to Susan Buxton, the Administrator for the DHR, to obtain input with respect to the possibility of DHR serving as a second investigatory option. She also requested the workgroup review the draft and provide comments via email prior to next meeting.

The workgroup adjourned at 8:13 a.m.