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HOUSE BILL NO. 371**FLOOR AMENDMENT IN THE NATURE OF A SUBSTITUTE**(Proposed by Delegate Watts
on January 31, 2018)

(Patron Prior to Substitute—Delegate Robinson)

A *BILL to amend the Code of Virginia by adding in Title 30 a chapter numbered 13.1, consisting of sections numbered 30-129.4, 30-129.5, and 30-129.6, relating to required sexual harassment training; legislative branch.*

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding in Title 30 a chapter numbered 13.1, consisting of sections numbered 30-129.4, 30-129.5, and 30-129.6, as follows:

CHAPTER 13.1.**SEXUAL HARASSMENT TRAINING ACT.****§ 30-129.4. Sexual harassment training required; legislative branch.**

A. As used in this chapter, unless the context requires a different meaning:

"Legislative branch employee" means (i) a General Assembly member; (ii) a General Assembly member's legislative assistant or other legislative staff compensated in whole, or in part, with state appropriations, working full-time for the member; and (iii) all other full-time employees of each legislative branch agency of the Commonwealth.

"Sexual harassment" means unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature covered by the Department of Human Resources Management Policy when such conduct explicitly or implicitly affects an individual's employment, unreasonably interferes with an individual's work performance, or creates an intimidating, hostile, or offensive work environment.

B. 1. Except for employees in subdivision B 2, every legislative branch employee shall once every two calendar years complete a workplace sexual harassment training on-line training course available 24 hours per day, seven days per week through the Commonwealth of Virginia Learning Center, administered by the Department of Human Resources Management. Successful completion shall be defined by Department of Human Resources Management and requires that the employee exhibit a comprehensive understanding of the training material. The Department of Human Resources Management shall ensure that a workplace sexual harassment training course as described in this subdivision is continuously offered through the Learning Center. Managers and supervisors shall complete any workplace sexual harassment training prevention course offered through the Learning Center that is specifically designed for managers and supervisors.

2. Legislative branch employees who are (i) members elected to the House of Delegates or legislative assistants or staff for such members or (ii) officers or employees of the Office of the Clerk of the House of Delegates shall complete the sexual harassment training course provided by the Clerk of the House of Delegates. Legislative branch employees who are (a) members elected to the Senate or legislative assistants or staff for such members or (b) officers or employees of the Office of the Clerk of the Senate shall complete the sexual harassment training course provided by the Clerk of the Senate. The sexual harassment training course provided by the Clerk of the House of Delegates and the Clerk of the Senate shall be available on-line 24 hours per day seven days a week and shall include but not be limited to discussion of (i) the inclusion of member actions when performing official duties covered under the General Assembly Conflicts of Interests Act (§ 30-100 et seq.); (ii) the inclusion of communications or actions undertaken with other state employees, contract employees, applicants for employment, customers, vendors, members of the media, lobbyists, members of the public, or volunteers; (iii) the Department of Human Resources Management Workplace Harassment Policy provision that managers, supervisors, and members who knowingly fail to take appropriate corrective action regarding allegations shall be in violation of the sexual harassment policy; (iv) the adopted policies of the House of Delegates or of the Senate governing how allegations of violations may be made, sharing of information, investigative procedures, determination of need for disclosure to law enforcement to protect public safety, committed violations of this chapter; and (v) the remedies available under this chapter and the Commonwealth Workplace Harassment Policy that are in addition to any other civil remedies and criminal sanctions provided under law.

C. 1. The Clerk of the House of Delegates and the Clerk of the Senate shall maintain records for members elected to the House of Delegates and the Senate, respectively, completing the sexual harassment training course. Each record at a minimum shall include the name of the General Assembly member completing the training, the date on which the training was successfully completed, and the name of the training course. The Clerk of the House of Delegates and the Clerk of the Senate shall keep

60 *such records for at least five years for public inspection.*

61 *2. By no later than July 1, 2019, the Clerk of the House of Delegates and the Clerk of the Senate*
62 *shall ensure that the sexual harassment training course is developed and provided in a manner such*
63 *that a person successfully completing the training course will have a means to print a certificate of*
64 *course completion that includes the person's name, the name of the state agency employing the person,*
65 *the date on which the training was successfully completed, the name of the training course, and a*
66 *unique serial number or other unique identifying information for each certificate.*

67 ***§ 30-129.5. Sexual harassment training for new employees and new General Assembly members.***

68 *A (i) legislative branch employee commencing or recommencing employment or (ii) new member of*
69 *the General Assembly elected after January 1, 2019, shall complete sexual harassment training required*
70 *under this chapter within 90 days of commencing or recommencing employment or such election, unless*
71 *the person previously completed such training in the calendar year (a) preceding the year in which the*
72 *person commenced or recommenced employment as a legislative branch employee or was elected to the*
73 *General Assembly or (b) in which the person commenced or recommenced employment as a legislative*
74 *branch employee or was elected to the General Assembly. Thereafter, the legislative branch employee or*
75 *new member of the General Assembly shall complete sexual harassment training once every two*
76 *calendar years.*

77 ***§ 30-129.6. Responsibility of agency heads for sexual harassment training.***

78 *The head of each agency in the legislative branch shall be responsible for ensuring that the agency's*
79 *legislative branch employees comply with the training requirements established under this chapter.*

80 **2. That the provisions of this act shall become effective on January 1, 2019.**