

Executive Update

- **Equity Committee:** Would like more engagement from executive – working on onboarding; focus on developing stronger connection to Latino/e organizations and communities
- **Workforce Committee:** Seeking connections to healthcare providers. Planning 10 key informant interviews with nurses and doctors through April. Working on legislative concept.
- **LGBTQ+ Advisory:** Call to Action for Allies
- **Coalition Grants and Messaging:** 20 coalitions – report to full Alliance in September on progress; concerns re sustainability



Executive Meeting
March 4, 2024

Capitol Day with
AFSP- Great
Youth
Involvement !!!

Getting Ready: June Policy Agenda Setting

We have four policy priorities identified already for 2025

- 1. Lifespan Funding (how much?)**
- 2. Educating healthcare providers**
- 3. Federal Firearm Legislation**
- 4. Affirming and Protecting LGBTQ+ Youth**

Question: 1) Does your committee have any additional legislation they'd like to see enacted as legislation?

2) We get many broad asks for support in the areas of schools, mental health, substance use disorders, healthcare, housing. Are there specific questions you'd like the Alliance to consider when determining whether we will support?

Are there any "sensitive" areas that we would want to ensure have full Alliance discussion and buy in ?

A current example is the discussion around substance use and abuse and treatment options vs. punitive options.

General Short Session: Feb. 5th – March 1st

- Significant new investments into the public behavioral health systems
- Recriminalizing substance use – with “off ramp” for alternatives(HB4002) 33 Amendments
 - \$7.5 million for community restoration
 - \$9.83 million for jail diversion
 - \$4.7 million for United We Heal Apprenticeship
 - \$4 million for public universities to train behavioral health workforce
 - And a series of “shovel ready” projects to expand residential capacity and support increased access to SUD services
- Governor’s Housing Package moving forward with near unanimous support

**Positive Revenue
Forecast: \$130 million
“new money” due to
higher than
anticipated corporate
and personal
corporate taxes.
With as much as \$1.7
billion that has not yet
been allocated in 2
year budget.**

OPB

Senate Approves Task Force on Community Safety and Firearm Suicide Prevention – Press Release Information

SALEM, Ore. – Today, the Oregon Senate passed Senate Bill 1503 with bipartisan support. The bill creates the Community Safety and Firearm Suicide Prevention Task Force, a 17-member panel charged with developing recommendations for ways to reduce suicides by firearm and associated community safety risks. Oregon has the 17th-highest suicide rate in the nation, according to the Centers for Disease Control. Firearm suicides account for more than half of Oregon's suicide annually, with veterans, men, and people over 75 at particular risk. "Firearm suicides are a statewide problem and a serious public health risk," said Senate President Rob Wagner (D-Lake Oswego), co-chief sponsor of SB 1503.

**"This task force will provide the Legislature with evidenced-based, proven steps we can take to reduce firearm suicides, improve public safety, and support Oregonians in crisis."
Sen. Wagner**

SB 1503 identifies several issues the task force will study:

- How to better support youth and rural Oregonians experiencing suicidal ideation
- Barriers to suicide prevention support
- Barriers to implementing best practices for community safety and suicide prevention
- How domestic violence is a risk factor for community safety threats and suicide
- Risks to first responders

MEMBERSHIP: Bipartisan group of four legislators and 13 community members,


- State public health agency;
- Community-based firearm safety and protocols program;
- Behavioral health professional or provider;
- Adult behavioral health provider;
- Psychologist who works with youth;
- Tribal representative from a suicide prevention program; a
- Law enforcement;
- Professional who works in veterans' mental health.

The first report from the task force will be due to the Legislature in September 2024. The bill now moves to the

Firearm Related Legislation

HB4096 Firearm Hold Agreement --
NOT HEARD – Roundtable Tomorrow

Clarifies that FFL's are protected from liability for securing a firearm for someone during a crisis and for returning the firearm to the person



Despite our failure to get this through this year, want to thank our Lethal Means Safety Committee for Advocacy

School Based Health Centers – HB4070 – Ways and Means

- **Planning grant** opportunities for local communities to implement a school-based health center or school nurse model according to their priority needs. (\$1,400,000) – **changed to \$700k**
- **Inflationary increase** of 10% to the school-based health center base rate, and tied to inflation moving forward. (\$936,000)
- **Increase the school-based mental health fund** to provide additional mental health and substance use services in schools either directly or through SBHCs. (\$7.85 million)
- Bonding for **school-based health center capital construction** including pre-built modular clinics to go on school campuses. (\$10 million)

Work Session Scheduled
2/14/24

Letter of Support Submitted-
Key Strategy for “Right Help
at Right Time”

Alliance youth member Aditi
Khana providing oral
testimony

SB 1583 – Support- Moved Into Rules

- The U.S. Surgeon General's urgent 2021 advisory [Protecting Youth Mental Health](#) notes that "supporting the mental health of children and youth will require a whole-of-society effort" and that part of this effort must include creating "positive, safe and affirming" environments for students.
- Efforts across the nation to remove positive references to LGBTQ+ people and African American and exclude information about our country's complex history regarding race, gender and sexuality do the exact opposite of creating a positive, safe and affirming environment. In Oregon we must do better than that.
- Suicide is a complex issue and it's often difficult to draw a direct line between a policy and preventing youth suicide; however, there is ample evidence that one direct linkage that can be made is that affirming young people's identities and providing opportunities for them to see how others from their community have navigated the world through both good and difficult times can save lives.

Our Role – Modeled on AFSP Policy Approach

- **Lead** Issues on which Alliance will play a leadership role by developing the policy position, marshaling support, and generating advocacy activity.
- **Collaborate** Issues on which Alliance will work as part of a coalition or group, providing active support to achieve these important policy objectives.
- **Explore** Issues that are rising in importance and require further exploration or policy research and analysis but have not yet become Alliance active policy proposals.

Discrimination and Harassment Free Workplace Policy

Training for OHA Volunteers and Commission Members

Purpose of the Training

- Overview of Discrimination and Harassment Free Workplace Policy (the “Policy”)
- Review OHA’s Expectations
- How to Report Concerns
- Investigation Process
- Conclusion of Investigation
- Questions

Discrimination and Harassment Free Workplace

Statewide Policy 50.010.01, Discrimination and Harassment Free Workplace (the “Policy”), outlines types of prohibited conduct and procedures for reporting and investigating prohibited conduct.

Policy Violations

There are four types of conduct that may violate the Policy based on protected class:

1. Discrimination
2. Workplace Harassment
3. Workplace Intimidation
4. Sexual Harassment

Discrimination and Harassment Free Workplace

Protected class status under federal law includes:

- race, color and national origin
- sex (includes pregnancy-related conditions)
- religion
- age (40 and older)
- Disability
- GINA – genetic information
- any other protected class as defined by federal law
- a person who:
 - uses leave covered by the Family and Medical Leave Act
 - uses Military Leave
 - associates with a protected class
 - opposes unlawful employment practices, files a complaint or testifies about violations or possible violations

Discrimination and Harassment Free Workplace

Additional protected classes under Oregon law:

- age (18 and older);
- injured worker;
- a person who uses leave covered by the Oregon Family Leave Act; or related to domestic violence;
- marital status and family relationships;
- expunged juvenile record; and
- any other protected class as defined by state law.

Discrimination and Harassment Free Workplace

Discrimination is:

A supervisor or person in authority making employment decisions related to hiring, firing, transferring, promoting, demoting, benefits, compensation, and other terms and conditions of employment, because of an employee's protected class status.

Example:

Asking a board member to resign because they have a disability.

Discrimination and Harassment Free Workplace

Sexual Harassment is:

Unwelcome, unwanted, or offensive sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when:

1. Submission to the conduct is made either explicitly or implicitly a term or condition of the individual's employment; or is used as a basis for any employment decision (granting leave requests, promotion, favorable performance appraisal, etc.); or
2. The conduct is unwelcome, unwanted, or offensive and has the purpose or effect of unreasonably interfering with an individual's work performance, or creating an intimidating, hostile or offensive working environment.

Discrimination and Harassment Free Workplace

Examples of sexual harassment include:

- A person continuing to ask another employee or volunteer on a date.
- A person is hugging or putting their arms around another employee or volunteer without consent.
- A person making jokes about sex or talking about their sex life.
- Two people engaging in consensual conduct (like a hug) in front of other employees, which makes other board members uncomfortable.

Discrimination and Harassment Free Workplace

Workplace Intimidation is:

Unwelcome, unwanted or offensive conduct based on or because of an employee's protected class status.

Workplace intimidation may occur between a manager/supervisor and a subordinate, between employees, and among non-employees who have business contact with employees. A complainant does not have to be the person affected by the offensive conduct.

Discrimination and Harassment Free Workplace

Examples of workplace intimidation include:

- A person says something like, 'You are so articulate,' when talking with a co-worker who speaks English as a second language.
- A person using a racial slur, or stereotype related to person's race or religion.
- A person repeatedly uses "she/her" pronouns to identify a co-worker who uses "they/them" pronouns.

Discrimination and Harassment Free Workplace

OHA's expectations:

All board and commission members and volunteers are required to read, understand and follow the Policy and expected to conduct themselves in a business-like and professional manner and not engage in conduct that violates the Discrimination and Harassment Free Workplace policy.

The policy can be located at:

<https://www.oregon.gov/das/Policies/50-010-01.pdf>

If you witness or experience conduct that potentially violates the policy, you are expected to report it.

Discrimination and Harassment Free Workplace

Employees engaging in conduct in violation of this policy may be subject to disciplinary action, up to and including dismissal.

State temporary employees or volunteers engaging in conduct in violation of this policy may be subject to termination of their working or volunteer relationship with the agency.

Retaliation

Retaliating against a person who files a complaint, participates in investigations, or reports observing discrimination, workplace harassment or sexual harassment is not allowed. Potential retaliation should be reported.

Questions to Consider

1. Why do people hesitate to report?
2. What can we do to make others feel supported to report their concerns?

Discrimination and Harassment Free Workplace

How to Report

- A report may be made by the person who experienced, witnessed or learned of conduct that may violate the Policy.
- The report may be made to an OHA manager or staff member, OHA-Equity and Inclusion Division or OHA Human Resource section.
- A complaint may be made verbally or in writing.

Discrimination and Harassment Free Workplace

What happens when a complaint is made:

- An E&I Civil Rights Strategist (the “Strategist”) will contact the Complainant to gather more information.
- If E&I investigates, the Strategist will meet with the Respondent and witnesses.
- Relevant documentation will be reviewed.
- After reviewing all relevant information, the Strategist will draft an investigation report.

Discrimination and Harassment Free Workplace

What happens when a complaint is concluded:

- Complainant and Respondent will receive notification when the investigation is concluded, and whether the allegation is substantiated or not.
- Complainant will not be told specifics of any action taken against the respondent.
- **Only Complainant and Respondent will receive notice of the outcome of the investigation.**

Resources

- Equity and Inclusion Division:
<https://dhsoha.sharepoint.com/teams/Hub-OHA-EI>
- Discrimination and Harassment Free Workplace:
<https://dhsoha.sharepoint.com/teams/Hub-OHA-EI/SitePages/Discrimination-Harassment-Free-Workplace.aspx>
- Internal Civil Rights Email:
OHA.internalcivilrights@odhsoha.oregon.gov
- Betsy Clifford: (503) 890-4946
elizabeth.c.clifford@oha.oregon.gov
- Olivia Wotman: (541) 294-6951
Olivia.Wotman@oha.oregon.gov

Questions?

The Workday homepage makes reference to a CW number for Contingent Workers (Volunteers and Contractors). Volunteers should set up an Extended Enterprise Learner (EEL) account.

If volunteers are not CW's and need to create an Extended Enterprise Learner account, please refer them to the following instructions.

Create an Extended Enterprise Learner Account

New Account Sign-Up: [OHA Affiliation](#)

New Account Sign-Up: [ODHS affiliation](#)

Note: *Learners can only create one Workday Learning account in one single affiliation per user. Either OHA or ODHS, not both.*

Here's a program that includes the annual required trainings that we recommend for volunteers as well as partners/providers.

1. [OHA - HR - 2024 Annual Trainings for Partners/Providers ONLY](#)

The other required trainings for volunteers follow. (BTW, these are the same for contractors, partners and providers.)

2. [OGEC - Overview of Oregon Ethics Law](#)
3. [OHA - HR - Addressing Conflict of Interest](#)
4. [Review the Tribal Consultation Policy](#)

There are also several recommended trainings:

1. [OHA – OEI – Unnatural Causes \(7-part series\)](#)
2. [OHA - OEI - Achieving Health Equity: Tools for a National Campaign Against Racism](#)
3. [OHA - Tribal Affairs - Broken Treaties, An Oregon Experience](#)
4. [OHA - OEI - Health Equity: The House that Racism Built](#)

SUBJECT: Discrimination and Harassment Free Workplace

NUMBER: 50.010.01

DIVISION: Chief Human Resources Office

EFFECTIVE DATE: 01/01/2022

APPROVED: Signature on file with the Chief Human Resources Office

**POLICY
STATEMENT:**

Oregon state government as an employer is committed to a discrimination and harassment free work environment. This policy outlines types of prohibited conduct and procedures for reporting and investigating prohibited conduct.

AUTHORITY:

ORS 174.100, 240.086(1); 240.145(3); 240.250; 240.316(4); 240.321; 240.555; 240.560; SB 726 (2019; to be added to ORS 659A), SB 479 (2019; to be added to ORS 243); 659A.029; 659A.030, 659A.082 and 659A.112; Title VII; Civil Rights Act of 1964; Executive Order EO-93-05; Rehabilitation Act of 1973; Employment Act of 1967; Americans with Disabilities Act of 1990; and 29 CFR §37.

APPLICABILITY:

All employees, including limited duration and temporary employees, board and commission members, elected officials, volunteers, interns, others working in an agency, and prospective employees unless this policy conflicts with an applicable collective bargaining agreement.

ATTACHMENTS:

None

DEFINITIONS:

Also refer to State HR Policy 10.000.01, Definitions

Collective Bargaining Agreement (CBA): A written agreement between Oregon state government (Department of Administrative Services) and a labor union. References to CBAs contained in this policy are applicable only to employees covered by a CBA.

Complainant: A person (or persons) allegedly subjected to, or who witnessed or observed discrimination, workplace harassment or sexual harassment and who files a complaint with their immediate supervisor, another manager, or the agency, board, or commission human resources section, executive director, or chair, or the DAS Chief Human Resources Office.

Contractor: An individual or business with whom Oregon state government has entered into an agreement or contract to provide goods or services. Qualified rehabilitation facilities who by contract provide temporary workers to state agencies are considered contractors. Contractors are not subject to ORS 240 but must comply with all federal and state laws.

Designated individual: An individual designated by the agency who is responsible for receiving reports of discrimination, harassment or sexual assault.

Discrimination: Making employment decisions related to hiring, firing, transferring, promoting, demoting, benefits, compensation, and other terms and conditions of employment, based on or because of an employee's protected class status. (See *also Workplace Harassment*.)

Employee: Any person employed by the state in one of the following capacities: management service, unclassified executive service, unclassified or classified unrepresented service, unclassified or classified represented service, or represented or unrepresented temporary service. This definition includes board and commission members, and individuals who volunteer their services to state government.

Higher Standard: Applies to managers and supervisors. Managers/supervisors are held to a higher standard and are expected to be proactive in creating and maintaining a discrimination and harassment free workplace. Managers/supervisors must exercise appropriate measures to prevent and promptly correct any discrimination, workplace harassment or sexual harassment they know about or should know about.

Non-disclosure agreement: An agreement between the employer and employee not to disclose information related to complaints or personnel actions related to violations of the Statewide Discrimination and Harassment Free Workplace policy.

Non-disparagement agreement: An agreement between the employer and employee not to make negative statements about the other related to complaints or personnel actions related to violations of State HR Policy 50.010.01 (*Discrimination and Harassment Free Workplace*).

Manager/Supervisor: Those who supervise or have authority or influence to affect employment decisions.

Protected Class Under Federal Law: Race; color; national origin; sex (includes pregnancy- related conditions); religion; age (40 and older); disability; sexual orientation; a person who uses leave covered by the Federal Family and Medical Leave Act; a person who uses military leave; a person who associates with a protected class; a person who opposes unlawful employment practices, files a complaint or testifies about violations or possible violations; and any other protected class as defined by federal law.

Protected Class Under Oregon State Law: All federally protected classes, plus: age (18 and older); physical or mental disability; injured worker; a person who uses leave covered by the Oregon Family Leave Act; marital status; family relationship; gender identity, whistleblower; expunged juvenile record; and any other protected class as defined by state law.

Sexual Harassment: Sexual harassment is unwelcome, unwanted or offensive sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when:

- (1) Submission to such conduct is made either explicitly or implicitly a term or condition of the individual's employment, or is used as a basis for any employment decision (granting leave requests, promotion, favorable performance appraisal, etc.); or
- (2) Such conduct is unwelcome, unwanted or offensive and has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile or offensive working environment.

Examples of sexual harassment include but are not limited to: unwelcome, unwanted or offensive touching or physical contact of a sexual nature, such as closeness, impeding or blocking movement, assaulting or pinching; gestures; innuendoes; teasing, jokes, and other sexual talk; intimate inquiries; persistent unwanted courting; sexist put-downs or insults; epithets; slurs; or derogatory comments. (*See also Workplace Harassment.*)

Sexual assault: Unwanted conduct of a sexual nature that is inflicted upon a person or compelled through the use of physical force, manipulation, threat or intimidation; or a sexual offense has been threatened or committed as described in ORS 163.305 to 163.467 or 163.525. (*See also Workplace Harassment.*)

Sexual Orientation under Oregon State Law: An individual's actual or perceived heterosexuality, homosexuality, bisexuality or gender identity, regardless of whether the individual's gender identity, appearance, expression or behavior differs from that traditionally associated with the individual's sex at birth.

Workplace Harassment: Conduct that constitutes discrimination prohibited by ORS 659A.030, including conduct that constitutes sexual assault or that is prohibited by ORS 659A.082 or 659A.112.

Workplace Intimidation: Unwelcome, unwanted or offensive conduct based on or because of an employee's protected class status.

Workplace intimidation may occur between a manager/supervisor and a subordinate, between employees, and among non-employees who have business contact with employees. A complainant does not have to be the person harassed, but could be a person affected by the offensive conduct.

Examples of intimidation include, but are not limited to, derogatory remarks, slurs and jokes about a person's protected class status.

Volunteer: Any individual who is performing work on behalf of Oregon state government or a state agency and is not paid for their service. This may include interns, externs and other categories of unpaid workers.

POLICY:

Oregon state government is committed to a discrimination, harassment, and intimidation free work environment. This policy outlines types of prohibited conduct and procedures for reporting and investigating prohibited conduct.

- (1) **Workplace Harassment (Discrimination), Sexual Harassment, Sexual Assault, and Workplace Intimidation.** Oregon state government provides a work environment free from workplace harassment (unlawful discrimination) or workplace intimidation based on or because of an employee's protected class status. Additionally, Oregon state government provides a work environment free from sexual harassment.

Discrimination and Harassment Free Workplace**50.010.01**

Employees at every level of the organization, including state temporary employees and volunteers, must conduct themselves in a business-like and professional manner at all times and not engage in any form of discrimination, workplace harassment, workplace intimidation, sexual assault, or sexual harassment.

- (2) **Higher Standard.** Managers/supervisors are held to a higher standard and are expected to be proactive in creating and maintaining a discrimination and harassment free workplace. Managers/supervisors must exercise appropriate measures to prevent and promptly correct any discrimination, workplace harassment, workplace intimidation, sexual assault, or sexual harassment they know about or should know about..
- (3) **Designated Individual.** Each agency shall designate an individual and an alternate who are responsible for receiving reports of prohibited conduct under this policy (discrimination, workplace harassment, sexual harassment, sexual assault, workplace intimidation or employment or settlement agreements containing prohibited provisions) occurring within the agency. Each agency must notify employees of who the agency designated individual and alternate are any time it is required to provide a copy of the Discrimination and Harassment Free Workplace policy to employees under this policy or whenever a new designated individual or alternate is selected. Agencies must inform the DAS Chief Human Resources Office (CHRO) who the agency has selected as the designated individual and alternate. CHRO will maintain a list of these individuals.
- (4) **Reporting.** Anyone who is subject to or aware of what they believe to be discrimination, workplace harassment, workplace intimidation, sexual harassment, sexual assault, or related employment or settlement agreements containing prohibited provisions should report that behavior to the designated individual or alternate.

Those individuals making a report of what they believe to be discrimination, workplace harassment, workplace intimidation, sexual harassment or sexual assault may also report that behavior to their immediate supervisor, another manager, or the agency, board, or commission human resources section, executive director, chair, or DAS CHRO.

A report of discrimination, workplace harassment, sexual harassment, workplace intimidation, or sexual assault is considered a complaint. Any supervisor or manager, or the agency, board, or commission human resources section, executive director, or chair receiving a complaint should promptly notify the agency's designated individual or alternate.

Upon receipt of a report of prohibited discrimination, workplace harassment, sexual harassment, workplace intimidation, or sexual assault, the designated individual or alternate shall provide a copy of this policy to the employee. The designated individual and alternate shall maintain appropriate records of all complaints.

- (a) A complaint may be made orally or in writing.
- (b) An oral or written complaint should contain the following:
 - (A) The name of the complainant and the name of the person that was subjected to the discrimination, workplace harassment, sexual harassment, workplace intimidation, or sexual assault if they are not the same person.
 - (B) the names of all parties involved, including witnesses.

Discrimination and Harassment Free Workplace**50.010.01**

- (C) A specific and detailed description of the conduct or action the employee believes constitutes discrimination, workplace harassment, sexual harassment, workplace intimidation or sexual assault;
 - (D) The date or time period in which the alleged conduct occurred.
 - (E) A description of the desired remedy.
- (c) A report should be made to the designated individual within five (5) years of the occurrence; however, failure to report within five years does not remove the agency's responsibility for coordinating and conducting an investigation.
- (5) **Other Reporting Options.**
- (1) Nothing in this policy prevents any person from filing a formal grievance in accordance with a CBA; a formal complaint with the Bureau of Labor and Industries (BOLI) or the Equal Employment Opportunity Commission (EEOC); or if applicable, the U.S. Department of Labor (USDOL) Civil Rights Center. However, some CBAs require an employee to choose between the complaint procedure outlined in the CBA and filing a BOLI or EEOC complaint.
 - (2) A complaint filed with BOLI alleging an unlawful employment practice as described in ORS 659A.030, 659A.082 to 659A.865, 659A.112 or section 2 of SB726 (2019) must be filed no later than five years after the occurrence of the alleged unlawful employment practice.
 - (3) Nothing in this policy prevents any person from seeking remedy under any other available law, whether civil or criminal.
 - (4) An employee or claimant must provide advance notice of claim against the employer as required by ORS 30.275.
- (6) **Filing a report with the U.S. Department of Labor (USDOL) Civil Rights Center.** An employee whose agency receives federal financial assistance from the U.S. Department of Labor under the Workforce Innovation and Opportunity Act, Mine Safety and Health Administration, Occupational Safety and Health Administration, or Veterans' Employment and Training Service, may file a complaint with the State of Oregon Equal Opportunity Officer or directly through the USDOL Civil Rights Center. The complaint must be written, signed and filed within 180 days of when the alleged discrimination or harassment occurred.
- (7) **Investigation.** The agency designated individual or alternate will notify the agency, board, or commission human resources section, executive director, or chair, or the DAS Chief Human Resources Office as applicable, to coordinate and conduct, or delegate responsibility for coordinating and conducting, an investigation.
- (a) All complaints will be taken seriously and an investigation will be initiated as quickly as possible.
 - (b) The agency, board or commission may need to take steps to ensure employees are protected from further potential discrimination or harassment.
 - (c) To the extent possible, the agency will handle complaints in a discreet and confidential manner.
 - (d) All parties are expected to cooperate with the investigation and keep information regarding the investigation confidential.

Discrimination and Harassment Free Workplace

50.010.01

- (e) The agency, board, or commission will notify the accused and all witnesses that retaliating against a person for making a report of discrimination, workplace harassment, sexual harassment, workplace intimidation or sexual assault will not be tolerated.
- (f) The agency, board, or commission will notify the complainant and the accused when the investigation is concluded.
- (g) Immediate and appropriate action will be taken if a complaint is substantiated.
- (h) The agency, board, or commission will inform the complainant if any part of a complaint is substantiated and action has been taken. The complainant will not be given the specifics of the action.
- (i) The complainant and the accused will be notified by the agency, board, or commission if a complaint is not substantiated.
- (j) Unless the victim has signed a waiver of the employer's responsibility to conduct follow up contacts with the victim, the employer shall follow up with the victim of the alleged workplace harassment once every three months for the 12 (twelve) calendar months following the date on which the employer received a report of workplace harassment to determine whether the alleged harassment has stopped or if the victim has experienced retaliation.

(8) Documentation.

- (A) Any of the individuals or entities outlined in (1)(4) that receive reports of discrimination, workplace harassment, workplace intimidation, sexual harassment, sexual assault, or related employment or settlement agreements containing prohibited provisions must document such reports.
- (B) Any supervisor, manager or employee who observes or experiences what they believe to be incidents of discrimination, workplace harassment, workplace intimidation, sexual harassment, or sexual assault should also document such incidents.
- (C) Agencies must maintain records of workplace harassment including;
 - i. The date of the incident.
 - ii. The date the complaint was received by the designated individual or alternate.
 - iii. The dates the investigation was started and closed.
 - iv. The investigation report.
 - v. The outcome of the investigation and any actions taken by the agency.
 - vi. The dates the agency followed up with the victim, or a signed waiver of the employer's responsibility to conduct follow up contacts with the victim.

(9) Penalties. Conduct in violation of this policy will not be tolerated.

- (a) Employees engaging in conduct in violation of this policy may be subject to disciplinary action up to and including dismissal.
- (b) State temporary employees and volunteers who engage in conduct that violates this policy may be subject to termination of their working or volunteer relationship with the agency, board, or commission.

Discrimination and Harassment Free Workplace**50.010.01**

- (c) An agency, board, or commission may be liable for discrimination, workplace harassment sexual harassment, workplace intimidation or sexual assault if it knows of or should know of conduct in violation of this policy and fails to take prompt, appropriate action.
- (d) Managers and supervisors who know or should know of conduct in violation of this policy and who fail to report such behavior or fail to take prompt, appropriate action may be subject to disciplinary action up to and including dismissal.

(10) Prohibited employment or settlement agreements.

- (A) Agencies may not require, coerce, or enter into an agreement with an employee or prospective employee, as a condition of employment, continued employment, promotion, compensation or the receipt of benefits, that contains a nondisclosure provision, a non-disparagement provision or any other provision that has the purpose or effect of preventing the employee from disclosing or discussing conduct that:
 - i. Constitutes discrimination prohibited by ORS 659A.030, including conduct that constitutes sexual assault; or
 - ii. Constitutes discrimination prohibited by ORS 659A.082 or 659A.112; and(b)(A) that occurred between employees or between an employer and an employee in the workplace or at a work-related event that is off the employment premises and coordinated by or through the employer; or
 - iii. Occurred between an employer and an employee off the employment premises.

(B) Exceptions:

- i. An agency may enter into a settlement, separation or severance agreement that includes one or more of the following, only when an employee claiming to be aggrieved by conduct described under section (10)(A) of this policy requests to enter into the agreement:
 - 1. A provision described in section (10)(A) of this policy,
 - 2. A provision that prevents the disclosure of factual information relating to a claim of discrimination or conduct that constitutes sexual assault; or
 - 3. A no-rehire provision that prohibits the employee from seeking re-employment with the employer as a term or condition of the agreement.
- ii. An agreement entered into under subsection (i) of this section must provide the employee at least seven days after executing the agreement to revoke the agreement.
- iii. The agreement may not become effective until after the revocation period has expired.
- iv. If an employer makes a good faith determination that an employee has engaged in conduct prohibited by ORS 659A.030, including sexual assault, conduct prohibited by ORS 659A.082 or 659A.112, or conduct prohibited by this section, the employer may enter into a settlement, separation or severance agreement that includes one or more of the following:
 - 1. A provision described in section (10)(A) of this policy;
 - 2. A provision that prevents the disclosure of factual information that relates to a claim of discrimination or conduct that constitutes sexual assault; or
 - 3. A no-rehire provision that prohibits the employee from seeking re-employment with the employer as a term or condition of the agreement.
- v. For violations that occur after October 1, 2020, an employee may file a complaint under ORS 659A.820 for violations of this section and may bring a civil action under ORS 659A.885 and recover relief as provided by ORS 659A.885(1) to (3).
- vi. This section does not apply to an employee who is tasked by law to receive confidential or privileged reports of discrimination, sexual assault or harassment

- (11) A victim of workplace harassment may voluntarily disclose information regarding an incident of workplace harassment that involves the victim.
- (12) **Resources.** Individuals who believe they are the victim of workplace harassment should contact their immediate supervisor, another manager, or the agency, board, or commission human resources section, executive director, or chair, or the DAS Chief Human Resources Office for information related to legal resources, counseling, and support services, including the employee assistance program.
- (13) **Retaliation.** This policy prohibits retaliation against anyone who files a complaint, participates in an investigation, or reports observing discrimination, workplace harassment, workplace intimidation, sexual assault, or sexual harassment.
- (a) Anyone who believes they have been retaliated against because they filed a complaint, participated in an investigation, or reported observing discrimination, workplace harassment or sexual harassment, should report this behavior to the employee's supervisor, another manager, or the agency, board, or commission human resources section, executive director, or chair, or the DAS Chief Human Resources Office as applicable. Complaints of retaliation will be investigated promptly.
 - (b) Employees who violate this policy by retaliating against others may be subject to disciplinary action, up to and including dismissal.
 - (c) State temporary employees and volunteers who retaliate against others may be subject to termination of their working or volunteer relationship with the agency, board, or commission
- (14) **Policy Notification.**
- (A) An employer shall:
 - (i) Make the policy available to employees within the workplace;
 - (ii) Provide a copy of the policy to each employee at the time of hire and in any orientation materials provided to the employee at the time of hire; and
 - (iii) Require any supervisor or individual who is designated by the employer to receive complaints to provide a copy of the policy to an employee at the time that the employee discloses information regarding prohibited discrimination, harassment, intimidation or sexual assault.
 - (B) All employees including board/commission members, state temporary employees, and volunteers shall:
 - i. Be required to complete harassment and discrimination training upon their initial hire or appointment, and annually thereafter.
 - ii. Be given directions to read the policy.
 - iii. Be provided an opportunity to ask questions and have their questions answered. Questions regarding this policy may be directed to the employee's immediate supervisor, another manager, or the agency, board, or commission human resources section, executive director, or chair, or the DAS Chief Human Resources Office as applicable.

Discrimination and Harassment Free Workplace

50.010.01

Sign an acknowledgement indicating the employee has read the policy and had the opportunity to ask questions. The agency, board or commission must keep signed acknowledgements on file, or use an electronic acknowledgment system to comply with this requirement.