

House Sexual Discrimination and Harassment Task Force  
Wednesday, November 28, 2018  
9:30 am  
Room 114 State Capitol Building

**Year in Review**

Comments from the chairs:

- Rep. Currie
- Rep. Jimenez

**Speakers:**

- Jill Hutchison, Deputy General Counsel—Office of the Governor
- Ngozi Okorafor, Chief Operating Officer & Senior Policy Advisor—CMS
- Dept. of Human Rights:
  - Alex Bautista, Deputy Director
  - Betsey Madden, Chief Legal Counsel
- Secretary of State Inspector General's Office:
  - Nathan Maddox, Inspector General
  - Paul Thompson
- Office of the Executive Inspector General:
  - Susan Haling, Acting Inspector General
  - Christine Benavente, Deputy Inspector General

## Omnibus Bills

### **SB 402 (Cullerton, J./Madigan)** (PA 100-554)

- Required every constitutional officer, member, state employee, registered lobbyist, lobbying entity, and unit of local government to adopt a sexual harassment policy. The policy shall include (i) a prohibition on sexual harassment; (ii) details on how an individual can report an allegation of sexual harassment, including options for making confidential reports to a supervisor, ethics officer, inspector general, Department of Human Rights or any other entity available, as well as a reminder a person may always seek independent counsel; (iii) a prohibition on retaliation for making a report; and (iv) the consequences for a violation of the prohibition or making a false report.
  
- Required all constitutional officers, members, state employees, and lobbyists must participate in annual sexual harassment training, which shall include the definition of sexual harassment and examples/instances. Every constitutional officer and legislative leader must annually submit to the applicable Ethics Commission a report detailing plans for training and the names of those who did not participate in training.
  
- Amended the Ethics Act and Lobbyist Registration Act to prohibit sexual harassment, regardless of an employment relationship. This change gives each Inspector General the authority to investigate sexual harassment allegation and bring any founded complaint before an Ethics Commission for a hearing. The Commission may fine a person in violation of the prohibition on sexual harassment up to \$ 5,000.
  
- Required the Department of Human Rights to maintain a toll-free hotline to provide information about sexual harassment and ways to make a complaint. All communications to the hotline are exempt from the Freedom of Information Act in an effort to protect those who wish to remain anonymous.

**HB 138 (Currie/Bush)** (PA 100-588): Made changes to the State Officials and Employee Ethics Act and Illinois Human Rights Act.

#### Legislative Inspector General Vacancy

- Allowed for the Legislative Inspector General (“LIG”) position to be full time.
- Requires public posting of the LIG position.
- Required the Legislative Ethics Commission (“LEC”) to appoint an Acting LIG within 45 days of vacancy.
- Required the Executive Director of the LEC to report to the LEC all complaints received during a vacancy.
- Established a search committee made up of former judges or prosecutors appointed by the leaders to search for, and interview, candidates for LIG and make recommendations to the LEC.
- If an extended vacancy occurs (6 months or more) in the office of the LIG and no Acting LIG, provided for Inspector General for the Auditor General to have jurisdiction over the complaints.

### Conflicts

- Allowed the LIG to begin an investigation into sexual harassment allegations without approval from the LEC. Notice of such investigations must be reported to the LEC at each LEC meeting.
- Required recusal of a commissioner if the commissioner files the complaint. If there is a recusal on the LEC, allow the respective leader to temporarily replace the member on the matter. (Under current law, if a complaint is filed against a commissioner he or she must be recused).
- Prohibited a member from serving on the LEC if the member has filed to run for a statewide office, federal office, or judge.
- Allowed members of the General Assembly that are subjects of an LIG investigation to receive a summary report at the same time as the ultimate jurisdictional authority and provide a response. Leaders who are the subject of an investigation will respond in their capacity of the subject of the report, rather than as the ultimate jurisdictional authority.

### Transparency

- Allowed the LIG to share information with a complainant, respondent, and victim regarding status of investigation, including opening and closing of an investigation.
- Required opportunity for public input before the adoption of any LEC rules.
- Required the LIG, in his or her quarterly report, to break down the complaints they get by the type of claim, e.g., sexual harassment, gift ban, etc.
- Required the LIG or LEC to report on the number of times the LEC has disapproved a request for publication of a summary report and disapproved of an LIG request to open an investigation.
- Required reporting and information sharing by Executive Inspectors General similar to proposed changes for LIG and LEC.

### Procedures and Jurisdiction

- Clarified that the Attorney General, on behalf of the LIG, has authority to bring a complaint related to the backlog to the LEC, and the LEC has jurisdiction to hear the complaint.
- Allowed the LIG to proceed with a founded report and referral to the LEC if the ultimate jurisdictional authority has not responded to the report within 20 days, unless an extension is granted by the LIG.
- Specified that the LEC and LIG have jurisdiction over former General Assembly members and staff for conduct that occurred during their time in office or on staff. (no change to time limitation on investigating)
- Provided that failure to cooperate with the Attorney General or the inspector general in an investigation of an ethics violation may result in discipline for a legislative employee or lobbyist/lobbying entity.

### Specific to Sexual Harassment

- Extended statute of limitations for filing a discrimination or sexual harassment claim with the Department of Human Rights from 180 days to 300 days. (included in SB 20 as well)
- Allowed IG for the Secretary of State, through the Attorney General, to file complaints with the EEC regarding lobbyist sexual harassment.

- Allowed the Executive Ethics Commission to suspend the registration of a lobbyist or lobbying entity for which the lobbyist is employed for up to 3 years if the lobbyist violates the sexual harassment prohibition
- Required the state central committees to have policies prohibiting sexual harassment and discrimination.
- Required employers to provide notices to their employees that they have the right to be free from sexual harassment.
- Required the Department of Human Rights to annually evaluate and report on the confidential helpline related to sexual harassment and discrimination.
- Required posting information on the General Assembly website concerning discrimination and harassment.
- Allowed LEC to develop proposals (including using third parties) for comprehensive training related to harassment, discrimination, and workplace civility and make recommendations for training to the ultimate jurisdictional authorities.

### **Task Force Meetings**

- 11-29-17: Women Employed (Melissa Josephs-Director of Equal Opportunity Policy & Sharmili Majmudar-Director of Strategic Partnerships); Attorney General's Office (Jane Flanagan-Workplace Rights Bureau-Chief, Caitlyn McEllis-Public Interest Counsel, Cordelia Coppelson-Criminal Enforcement Division)
- 12-11-17: Constitutional Offices' Inspectors General (Randy Blue-Secretary of State, Mike Drake-Comptroller, Raymond Watson-Treasurer, Maggie Hickey, Executive Branch)
- 1-11-18: Equal Employment Opportunity (EEO) Officers & Ford Motors Plaintiffs (Jeanine Stroger-Secretary of State, Eugene Oliver-Comptroller, Aimee Pine-Treasurer, written testimony Maggie Hickey-OEIG); Keith Hunt, Attorney for the Ford Plaintiffs.
- 1-29-18: EEO Officer for the Governor's Office (Ngozi Okorafor-Public Advisor for the Governor's Office); Department of Human Rights (Alex Bautista-Deputy Director, Betsey Madden-Chief Legal Counsel)
- 2-13-18: Human Rights Commission (Donyelle Gray-General Counsel)
- 2-27-18: Seyfarth Shaw at Work (Phillippe R. Weiss-Managing Director); Presentation of the Anti-Harassment Reforms Working Draft (Leader Currie & Rep. Jimenez)
- 3-6-18: Illinois Chamber of Commerce (Jay Shattuck); Discussion of the Anti-Harassment Reforms Working Draft (task force members)
- 3-13-18: City of Chicago Commission on Human Relations (Mona Noriega-Chair & Commissioner); City of Chicago Ethics Department (Steve Berlin-Executive Director); Attorney General's Office (Jane Flanagan-Workplace Rights Bureau-Chief, Caitlyn McEllis-Public Interest Counsel)
- 3-27-18: Joint Meeting With the Senate Sexual Discrimination and Harassment Awareness and Prevention Task Force: National Conference of State Legislatures (Jon Griffin, Program Principal); Equal Employment Opportunity Commission (EEOC) Office of Legal Counsel (Muslima Lewis-Senior Attorney Advisor)
- 4-19-18: Procedural Justice as Analytic Framework University of Illinois at Chicago Center for Public Safety and Justice (Jason Stamps-Acting Director, Charlene Moe-National Program Coordinator); Victims' Rights Advocacy Illinois Coalition Against Sexual Assault (ICASA) (Polly Poskin, Executive Director); Application to State Officials and Employee Ethics Act (Denise Rotheimer-Mothers on a Mission to Stop Violence, Rep. Ives)
- 7-30-18: Legislative Ethics (Tom Homer-former Legislative Inspector General); Executive Order 2018-08, DHR/HRC Backlog (Ngozi Okorafor-Public Advisor for the Governor's Office); Women's Bar Association of Illinois (Bridget Duignan-Latherow & Duignan)
- 9-11-18: Illinois Committee for Political Reform (ICPR) (Alisa Kaplan-Policy Director); Executive Order 2018-08, DHR/HRC Backlog Update, 60 Day Action Plan, PA 100-1066 (Ngozi Okorafor-Public Advisor for the Governor's Office)