



PORTLAND PUBLIC SCHOOLS

OFFICE OF THE GENERAL COUNSEL

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Date: April 20, 2020
To: School Board Policy Committee
From: Mary Kane, Senior Legal Counsel
Subject: 5.10.060-P Workplace Harassment Policy

BACKGROUND

The 2019 Oregon Legislature made a number of revisions to statutes related to employment. The amendments were enrolled in SB 479 and SB 726. The bills contain staggered start dates with some elements beginning January 1, 2020, and others by October 1, 2020. The General Counsel's office has reviewed the bills and the existing policy with Human Resources.

RELATED POLICIES/BEST PRACTICES

It is best practice to conform existing policies to current law.

ANALYSIS OF SITUATION

SB 479 and SB 726 address workplace discrimination and harassment, including sexual assault. The bills require employers to provide information to employees who complain of workplace discrimination and harassment, including the District's policy, supports and resources, and legal remedies that may be available to them. SB 726 also provides that employers may not include nondisclosure/nondisparagement/no-rehire provisions in settlement agreements for employees who have made a complaint of workplace discrimination or harassment unless agreed upon by the employee.

FISCAL IMPACT

It is unclear whether the amendments will lead to an increase in investigations (and therefore more FTE), which may lead to capacity issues for the Human Resources Department. The General Counsel's office has been working with HR to make operational changes to relevant processes.

COMMUNITY ENGAGEMENT

Because these changes are driven by legislative directives, there was limited stakeholder engagement. Once this policy is reviewed and considered by this committee, we will provide copies of the proposed policy to our union partners for review.

STAFF RECOMMENDATION

Staff recommends that the Committee moves this policy for full Board approval.