

# **HOUSE . . . . .No. 5010**

## **The Commonwealth of Massachusetts**

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**HOUSE OF REPRESENTATIVES, December 20, 2018.**

The committee on Rules, reports, under the provisions of House Rule 7C, that the accompanying order relative to a contract for the procurement of the services of an Equal Employment Opportunity Officer, ought to be adopted.

For the committee,

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William C. Galvin

**HOUSE . . . . . No. 5010**

Filed by Mr. Galvin of Canton. December 20, 2018.

**The Commonwealth of Massachusetts**



*House of Representatives,*

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**In the One Hundred and Ninetieth General Court  
(2017-2018)**  
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1           *Ordered,* That Counsel to the House of Representatives, appointed pursuant to section 51  
2 of chapter 3 of the General Laws and hereinafter referred to as Counsel, may, notwithstanding  
3 House Rule 87 and utilizing sound business practices, enter into a contract for the procurement  
4 of the services of an Equal Employment Opportunity Officer; and be it further  
  
5 Ordered, That notwithstanding House Rules 88 to 100, inclusive, the contract to provide services  
6 as an Equal Employment Opportunity Officer for the House of Representatives shall authorize  
7 the party acting as the Equal Employment Opportunity Officer, hereinafter referred to as the  
8 EEO Officer, to receive, review and, if necessary, investigate all complaints from members,  
9 appointed officers, employees, interns and third parties, as defined in House Rule 88, alleging a  
10 violation of House Rule 88, the House Anti-Harassment Policy, or the House Equal Employment

11 Policy, including, but not limited to complaints alleging harassment, as defined in House Rule 88  
12 or the House Anti-Harassment Policy, or retaliation; and be it further

13 Ordered, That all complaints received by any member, officer or employee of the House alleging  
14 a violation of House Rule 88, the House Anti-Harassment Policy, or the House Equal  
15 Employment Policy, including, but not limited to complaints alleging harassment, as defined in  
16 House Rule 88 or the House Anti-Harassment Policy, or retaliation by or against a member,  
17 officer, intern or employee of the House, or by or against a third party, as defined in House Rule  
18 88, shall be immediately referred to the EEO Officer for assessment; and be it further

19 Ordered, That complaints received by the party acting as the EEO Officer shall be assessed and  
20 investigated as follows:

21 (a) The EEO Officer shall inform the Director of Human Resources of a complaint alleging  
22 an appointed officer, employee, intern, or a third party, as defined in House Rule 88, has violated  
23 House Rule 88, the House Anti-Harassment Policy, or the House Equal Employment Policy.  
24 The EEO Officer shall determine whether the complaint is plausible and requires investigation.  
25 Upon a determination by the EEO Officer that the complaint is plausible and requires  
26 investigation, the EEO Officer shall investigate the complaint or refer the complaint to the  
27 Director of Human Resources for investigation. The EEO Officer shall consult with Counsel  
28 regarding whether to refer the complaint to the Director of Human Resources for investigation  
29 and Counsel shall approve the process by which the complaint shall be investigated.

30 (b) The EEO Officer shall inform Counsel of a complaint alleging a member of the House  
31 has violated House Rule 88, the House Anti-Harassment Policy, or the House Equal  
32 Employment Policy. The EEO Officer shall determine whether the complaint is plausible and

33 requires investigation. Upon a determination by the EEO Officer that the complaint is plausible  
34 and requires investigation, the EEO Officer shall inform Counsel. Counsel shall notify the  
35 Speaker and the Minority Leader, who shall appoint a Special Committee on Professional  
36 Conduct, which shall conduct itself pursuant to House Rule 96 except as modified by House  
37 Rule 99 and this Order; provided, that if Counsel determines, based on the details of the  
38 complaint, that to notify the Speaker or the Minority Leader would create a conflict of interest,  
39 Counsel shall notify the next ranking member of the appropriate party. This subsection shall  
40 supplement but not supplant House Rule 99; and be it further

41 Ordered, That the party acting as the EEO Officer shall assume the duties of the EEO Officer  
42 established in House Rules 88 to 100, inclusive, for the duration of the contract period; provided,  
43 that the duties of the EEO Officer, as established in said House Rules, may be modified as  
44 needed; provided further, that the Director of Human Resources or Counsel may, with the  
45 approval of the Committee on Personnel and Administration, assume the duties of the EEO  
46 Officer established in House Rules 88 to 100, inclusive, for the duration of the contract period;  
47 and be it further

48 Ordered, That a contract for such services shall be for a period of no more than 6 months with an  
49 option to extend the contract once for a period of 6 months; and be it further

50 Ordered, That Counsel shall consult with the Chair of the House Committee on Rules prior to  
51 entering into a contract for such services; and be it further

52 Ordered, That Counsel shall execute the contract for the procurement of the services of an Equal  
53 Employment Opportunity Officer as soon as practicable.