

SCR 102 – Joint rules: settlement agreements

Summary

This joint rule would end, going forward, the shielding of state legislators from disclosure of sexual harassment claims against them through the use of confidentiality agreements and preclude the uses of taxpayers resources by the legislative Rules committees to continue to police past agreements designed for the same purpose.

Background

In October 2017, a bipartisan group of more than 140 women – lawmakers, lobbyists and consultants – signed a letter calling attention to a pervasive culture of sexual harassment in the California State Capitol and politics. Subsequent hearings have laid bare the dysfunction and inherent conflict of interest in the Legislature’s so called “zero tolerance” policy on sexual harassment where that policy served as a mechanism for the respective leadership in each house to protect only the legislators themselves and the institution as a whole from any claims of sexual harassment. One of the most insidious aspects of that dysfunction is the use of confidentiality agreements attached to a severance package for anyone settling a claim. All paid for with taxpayer dollars. This allowed serial abusers to continue their behavior without fear of exposure.

In February 2018, the legislature finally passed AB 403 (Melendez), that protects legislative employees who make disclosures about specified misconduct by Members and fellow employees of the Legislature by prohibiting interference with an employee making a "protected disclosure" and

prohibiting retaliation in response to such a disclosure. It took four years of legislative leaders killing Assemblymember Melendez’s similar measures before they relented when faced with the media attention created by the #MeToo movement.

Issue

The only proper purpose of an anti-sexual harassment policy is to protect the young employees in the Capitol from both the abusers and the institutional power that protects them. Now that those employees enjoy whistleblower protection prospectively, it is time to repair past hidden wrongs and prevent any further use of taxpayer dollars to continue to hide them.

Solution

This measure would prohibit a Member of the Legislature, or an employee of either house of the Legislature, from negotiating or signing an agreement, with or on behalf of the Rules Committee of either house, settling a claim for sexual harassment or abuse that contains a confidentiality provision.

This measure would also prohibit the use of legislative funds or resources to enforce this type of confidentiality provision contained within previously-executed settlement agreements.

Contact

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