

**Recommended changes to the Kentucky
Code of Legislative Ethics
Approved by Legislative Ethics Commission - August, 2018**

Workplace harassment/optional complaint process

1. **Recommendation:** Create a comprehensive ethical prohibition against discrimination and harassment by legislators and legislative agents as against legislative employees, legislators, or legislative agents. This would include provisions similar to 2018 HB 9, which passed the House 86-7, and include the following:
 - Specifically define “discrimination”, “workplace harassment”, and “sexual harassment” as actions that violate either Kentucky or federal statutes, regulations, or case law relating to protected classifications; define “legislative workplace complaint”.
 - Prohibit legislators, legislative agents, and LRC Director from intentionally engaging in discrimination or workplace harassment against an employee of the legislative branch, legislator, or legislative agent, and provide that a violation is ethical misconduct.
 - Permit a legislative employee, legislator, or legislative agent to file a legislative workplace complaint with the Ethics Commission, and authorize the Commission to investigate and proceed upon receipt of a complaint.
 - Specify that the workplace complaint process is voluntary, confidential, and is an option that is separate from any other reporting process or provision of law that a complainant may choose.
 - Provide an expedited process in which the Ethics Commission will determine facts and attempt to bring an immediate end to inappropriate activity, if any is found.
 - If the legislative workplace complaint is not resolved within 30 days, allow the enforcement counsel to file a formal complaint for investigation under the current practices of the Commission.

Complaint dismissal via teleconference

2. **Recommendation:** Authorize the Commission to dismiss a complaint without prejudice via teleconference call, if the complaint or preliminary inquiry is publicly disclosed by the complainant, or the complainant comments publicly about the complaint.

This addresses the issue that arises when a complaint is filed, for example, in an election campaign, and a complainant attempts to use the complaint process for political purposes. This would also help maintain confidentiality of complaints during the preliminary inquiry.

Commission jurisdiction

- 3. Recommendation:** Clarify that the Legislative Ethics Commission has authority to adjudicate a complaint filed against a legislator, even if the legislator leaves office after the complaint is filed, as long as the complaint is based upon action that occurred not more than a year prior to the separation from office. Clarify that the Commission may adjudicate a complaint filed against a legislative agent up to a year after the agent is no longer a registered legislative agent.

Several years ago, a legislator resigned from the General Assembly after complaints were filed against him. The Commission adjudicated the complaints despite the former legislator's argument that the Commission had no authority over former legislators. Likewise, legislative agents should be accountable for actions taken while they were agents.

Financial disclosure

- 4. Recommendation:** Amend the financial disclosure requirements to include a listing of all out-of-state travel associated with the performance of a legislator's duties.

Information about legislative travel should be easily available to the public.

Current Issues seminar

- 5. Recommendation:** Add a requirement for ethics training for legislative staff and change the Commission's Current Issues seminar to two hours. Require that the seminar qualify for continuing legal education credit.

Legislative staff should understand how the ethics code applies to staff and legislators. Ethics education and updates can be comprehensively covered in a two-hour session during the first week of each General Assembly session.

No political activity for Ethics Commission staff

- 6. Recommendation:** Restrict the political activity of the staff of the Legislative Ethics Commission in the same way as Commission members are restricted.

This was the original intent of the drafters of the 1993 ethics code, but an amendment adopted during the legislative process left this unclear.