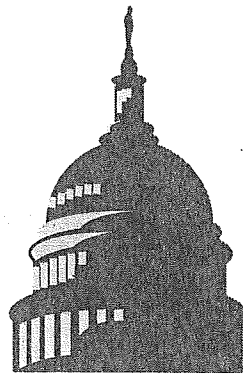
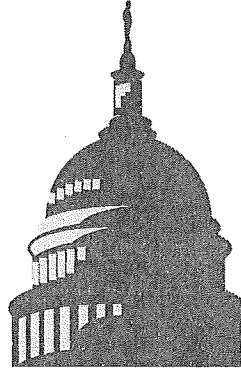


**Recommended changes to the Kentucky
Code of Legislative Ethics**



**A report presented to the
Legislative Research Commission by
the Kentucky Legislative Ethics Commission
August 13, 2019**



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**Recommended changes to the Kentucky
Code of Legislative Ethics
Approved by Legislative Ethics Commission - August, 2019**

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 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.

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.

Current Issues seminar

- 4. 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 and the orientation course for new legislators 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.

Violation of ethics code is 'ethical misconduct'

- 5. Recommendation:** Clarify that any alleged violation of the Code of Legislative Ethics can be adjudicated by the Commission as ethical misconduct, even if it's designated as a misdemeanor or a felony.

Some attorneys have argued that if a violation of the ethics code is designated as a misdemeanor or felony, an alleged violation of that section can only be prosecuted by a state or county prosecutor, and cannot be investigated or heard by the Commission.