

Your Committee, to which this proposal was referred, has amended the proposal to read as follows and recommends its adoption as amended.

CITY COUNTY COUNCIL

PROPOSAL NO. 287, 2024

CITY OF INDIANAPOLIS-MARION COUNTY, INDIANA

INTRODUCED: 8/12/2024

REFERRED TO: Rules and Public Policy Committee

SPONSOR: Councilors McCormick and A. Brown

~~DIGEST: authorizes the Rules and Public Policy Committee to review the city's current processes and procedures associated with sexual harassment of city/county employees and the training to prevent such~~
creates an Investigative Committee that contracts with an independent law and/or human resources firm(s) to thoroughly examine and investigate allegations against members of the Hogsett administration and recommend policy changes and further action to address gaps in human resources policy and code; and recommends further immediate action regarding sexual harassment training and workplace relationships

SOURCE:

Initiated by: Councilors McCormick and A. Brown

Drafted by: LeAnnette Pierce, General Counsel

LEGAL REQUIREMENTS FOR ADOPTION:

Subject to approval or veto by Mayor

PROPOSED EFFECTIVE DATE:

Adoption and approvals

GENERAL COUNSEL APPROVAL: _____



Date: August 12, 2024

CITY-COUNTY GENERAL RESOLUTION NO. , 2024

~~PROPOSAL FOR A GENERAL RESOLUTION to authorize the Rules Public Policy Committee to review the city's current processes and procedures associated with sexual harassment of city/county employees and the training to prevent such.~~

~~WHEREAS, the city county council is committed to working to determine the necessary changes to the city's policies and systems to ensure a safe work environment for all employees, now and into the future; and~~

~~WHEREAS, the council's priority is to create a workplace where every employee feels secure, valued, and supported; and~~

~~WHEREAS, the council is focused on implementing improvements that will bring greater accountability for all leaders, whether elected, appointed, or hired; now, therefore:~~

BE IT RESOLVED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

~~SECTION 1. The City-County Council hereby authorizes the Rules and Public Policy Committee (Rules) to investigate the need for separate branch of Human Resources from the Administration that explicitly addresses sexual harassment and other discrimination related complaints.~~

~~SECTION 2. The Rules Committee is authorized to investigate the need for a separate commission that will engage subject matter experts to evaluate the city's current policies, identify gaps, and implement best~~

~~practices that will foster a culture of safety, respect, and accountability. This includes, but not limited to, the use of the Employee Assistance Program and the review of past investigations and actions.~~

~~SECTION 3. The Rules Committee is authorized to propose a further General Ordinance modifying Revised Code Section 293-304 to include all city county employees in an annual mandatory sexual harassment training.~~

~~SECTION 4. The Rules Committee is authorized to take such further action as needed to ensure that all city employees are working in a safe work environment which is foundational to the well-being and productivity.~~

PROPOSAL FOR A GENERAL RESOLUTION to create an Investigative Committee that contracts with an independent law and/or human resources firm or firms to thoroughly examine and investigate allegations against members of the Hogsett administration and recommend policy changes and further action to address gaps in human resources policy and code; and to recommend further immediate action regarding sexual harassment training and workplace relationships.

WHEREAS, recent media coverage detailing the sexual harassment and abuse experienced by women while employed by the Hogsett administration and campaign is unconscionable; and

WHEREAS, the City-County Council (Council) condemns these actions unconditionally, and are grateful to the brave survivors for coming forward; and

WHEREAS, under no circumstances should anyone employed by city agencies feel threatened, harassed, or intimidated. All citizens of Indianapolis should have confidence that city leaders are taking these matters seriously and acting decisively to protect employees who come forward; and

WHEREAS, in order to ensure this type of abuse does not and cannot happen again, the Council should use every power at its disposal to understand where and how systems failed, including through powers granted in Indiana Code 36-3-4-24 and Section 151-33 of the Revised Code; and

WHEREAS, the Council is committed to working to determine the necessary changes to the city's policies and systems to ensure a safe work environment for all employees, now and into the future; and

WHEREAS, the Council agrees with longstanding human resources best practices that a consensual sexual or romantic relationship can never exist between a supervisor and a subordinate due to imbalance in power in the workplace; and

WHEREAS, the Council's priority is to create a workplace where every employee feels secure, valued, and supported; and

WHEREAS, the Council is focused on implementing improvements that will bring greater accountability for all leaders, whether elected, appointed, or hired; now, therefore:

BE IT RESOLVED BY THE CITY-COUNTY COUNCIL OF THE CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. The Indianapolis City-County Council (Council) hereby creates an Investigative Committee (Committee) to examine the allegations made by individuals while employed by the Hogsett administration (Administration) and campaign. The Committee will also evaluate and ratify proposed changes to human resources policies including but not limited to creating a separate branch of human resources from the Administration that explicitly addresses sexual harassment and other discrimination related complaints, creating an anonymous reporting system, and strengthening mental health support through the Employee Assistance Program (EAP) and additional behavioral health services.

SECTION 2. The Committee shall hire an independent law or human resources firm (Independent Firm) or more than one firm to thoroughly examine and investigate allegations of sexual harassment and abuse by members of the Administration and assess how the Administration addressed these allegations; provide recommendations to remedy policy failures as a result of gaps in the Revised Code and the City's human resources structure and policies; and provide recommendations to remedy personnel failures related to any allegations applying guidelines established through the Equal Employment Opportunity Commission and recommending actions for reprimands, terminations, and/or criminal referrals.

SECTION 3. An Independent Firm is defined as a firm that has no business, political, or financial ties to the City of Indianapolis, the Hogsett Administration and campaign, the Council and the twenty-five (25) members of the Council, and that has a demonstrated expertise in investigating sexual harassment and misconduct allegations within the workplace. Upon the conclusion of the investigation, the Independent Firm shall prepare a report that details the findings from the investigation, recommends policy changes, and provides additional information it deems germane to advising the Committee on any further action. After receiving and reviewing the report, the Committee will recommend further action to be taken by the Council.

SECTION 4. The Committee will be composed of five (5) members from the majority party and two (2) members from the minority party. The members of the committee shall be appointed by the Committee on Committees no later than seventy-two (72) hours after passage of this General Resolution. The chair of the Committee shall be appointed by a simple majority of the members of the Committee.

SECTION 5. The Committee shall meet no later than twenty-one (21) days after passage of this General Resolution. The Committee shall meet at least once a month, until the investigation concludes. Additional meetings shall be called upon the call of the chair or a simple majority of its members. Four (4) members of the Committee shall constitute a quorum. The Committee shall submit a tentative timeline of its work to the Council within fourteen (14) days of its first meeting. The Committee shall submit a tentative timeline of its work to the Council within fourteen (14) days of its first meeting. The Committee shall provide quarterly updates to the timeline to the Council. The Independent Firm shall provide an interim report to the Committee no later than February 28, 2025. All deadlines may be amended by the Council at the recommendation of the Committee.

SECTION 6. The Committee is granted express authority to subpoena witnesses and documents, both electronic and physical, as deemed necessary, in accordance with Indiana Code 36-3-4-24 and Section 151-33 of the Revised Code. Subpoenas may be requested only by a simple majority of the members of the Committee.

SECTION 7. The Committee shall refrain from obtaining any identifying information of a victim. However, the Committee shall ensure that no identifying information of a victim is disclosed to any member of the public, elected official, or employee of the consolidated city. This includes names, personal identifiers, and any information that could reasonably lead to the identification of a victim. The Committee shall implement strict privacy protocols for securing and handling of sensitive information. The Indiana Access to Public Records Act (Indiana Code 5-14-3) shall apply to the Committee and its work products.

SECTION 8. The Council recommends a further General Ordinance modifying Revised Code Section 293-304 to include all city county employees in an annual mandatory sexual harassment training and to amend and add, where appropriate, a requirement that all workplace relationships be disclosed to human resources through a consensual relationship agreement.

SECTION 9. All funds shall be made available to carry out sections of this resolution.

The foregoing was passed by the City-County Council this ____ day of _____, 2024, at ____ p.m.

ATTEST:

Vop Osili
President, City-County Council

Yulonda Winfield
Clerk, City-County Council

Presented by me to the Mayor this _____ day of _____, 2024.

Yulonda Winfield
Clerk, City-County Council

Approved and signed by me this _____ day of _____, 2024.

Joseph H. Hogsett, Mayor