

# Journal of the House

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**Friday, February 11, 2011**

At nine o'clock and thirty minutes in the forenoon the Speaker called the House to order.

## **Devotional Exercises**

Devotional exercises were conducted by Rep. William Aswad of Burlington, Vt.

## **Color Guard Presented Colors**

Troop 110 of Pittsford, Vermont, presented the Colors. Color Guard members were Loren Murphy, John Corbett, Joe Corbett and James Corbett.

## **Pledge of Allegiance**

**Eagle Scout, Loren Murphy** led the House in the Pledge of Allegiance.

## **Pages Honored**

In appreciation of their many services to the members of the General Assembly, the Speaker recognized the following named Pages who are completing their service today and presented them with commemorative pins:

**Hannah Buford of East Thetford**  
**Reilly Mahoney Loynd of Fayston**  
**Amelia McIntire of Bradford**  
**Mikaela Moore of Barre**  
**Adara North of South Burlington**  
**Amelia Sherman of Montpelier**  
**Bailey Southgate of East Montpelier**  
**Lucy Terrien of Colchester**  
**Trevor Utton of Essex Junction**  
**Jeremiah Zybas of Northfield**

## **Rules Suspended; House Bills Introduced**

House bills of the following titles were severally introduced. Pending first reading of the bills, on motion of **Rep. Turner of Milton**, the rules were suspended and the bills were read the first time by number and referred or placed on the Calendar as follows:

**H. 226**

By Rep. Ram of Burlington,

House bill, entitled

An act relating to changing the name of Columbus Day to Indigenous People's Day;

To the committee on General, Housing and Military Affairs.

**H. 227**

By Rep. Ancel of Calais,

House bill, entitled

An act relating to funding the Twinfield USD #33 biomass project;

To the committee on Appropriations.

**H. 228**

By Rep. Frank of Underhill,

House bill, entitled

An act relating to the creation of an early care and education task force;

To the committee on Human Services.

**H. 229**

By Reps. Klein of East Montpelier, Lanpher of Vergennes, Manwaring of Wilmington, Shand of Weathersfield, Sweaney of Windsor and Webb of Shelburne,

House bill, entitled

An act relating to requiring that certain surgical procedures on dogs be performed by a licensed veterinarian;

To the committee on Judiciary.

**H. 230**

By Reps. Jerman of Essex, Heath of Westford and Lorber of Burlington,

House bill, entitled

An act relating to adjustments to the definition of household income in the income sensitivity program;

To the committee on Ways and Means.

**H. 231**

By Reps. Eckhardt of Chittenden, Andrews of Rutland City, Batchelor of Derby, Bouchard of Colchester, Burditt of West Rutland, Buxton of Royalton, Christie of Hartford, Clark of Vergennes, Dakin of Chester, Evans of Essex, Fagan of Rutland City, Fisher of Lincoln, Greshin of Warren, Hebert of Vernon, Higley of Lowell, Koch of Barre Town, Lenex of Shelburne, McNeil of Rutland Town, Munger of South Burlington, Olsen of Jamaica, Pearson of Burlington, Perley of Enosburgh, Poirier of Barre City, Potter of Clarendon, Ram of Burlington, Savage of Swanton, Shaw of Pittsford, Strong of Albany, Till of Jericho, Toll of Danville and Trieber of Rockingham,

House bill, entitled

An act relating to a study of the workers' compensation program, health care coverage, and a single-payer health care system;

To the committee on Health Care.

**H. 232**

By Reps. Bartholomew of Hartland, Andrews of Rutland City, Buxton of Royalton, Lenex of Shelburne, McCullough of Williston and Potter of Clarendon,

House bill, entitled

An act relating to authorizing award of funds to the poor or indigent in executive session of a public body;

To the committee on Government Operations.

**H. 233**

By Rep. McFaun of Barre Town,

House bill, entitled

An act relating to global hospital budgets and health care reform;

To the committee on Health Care.

**Third Reading; Bill Passed****H. 121**

House bill, entitled

An act relating to establishing a special motorcycle registration plate for veterans

Was taken up, read the third time and passed.

The Senate has considered a bill originating in the House of the following title:

**Message from the Senate No. 15**

A message was received from the Senate by Mr. Marshall, its Assistant Secretary, as follows:

Mr. Speaker:

I am directed to inform the House that:

**H. 8.** An act relating to approval of amendments to and codification of the charter of the town of Jamaica.

And has passed the same in concurrence.

The Senate has considered House proposal of amendment to Senate proposal of amendment to House bill of the following title:

**H. 65.** An act relating to fiscal year 2011 budget adjustment.

And has concurred therein.

**Adjournment**

At ten o'clock and five minutes in the forenoon, on motion of **Rep. Turner of Milton**, the House adjourned until Tuesday, February 15, 2011, at ten o'clock in the forenoon, pursuant to the provisions of J.R.S. 18.

**Concurrent Resolutions Adopted**

The following concurrent resolutions, having been placed on the Consent Calendar on the preceding legislative day, and no member having requested floor consideration as provided by Joint Rules of the Senate and House of Representatives, are hereby adopted in concurrence.

**H.C.R. 46**

House concurrent resolution honoring Shaftsbury town clerk Judith Stratton and resident Florence Beebe for their comprehensive cataloguing and historical annotating of veterans' grave sites in Shaftsbury;

**H.C.R. 47**

House concurrent resolution honoring the town of Essex Police Chief Leo Nadeau on the conclusion of his superb four-decade-long law enforcement career;

**H.C.R. 48**

House concurrent resolution honoring Charles Gingo for his exemplary leadership of state social services in Bennington County;

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**H.C.R. 49**

House concurrent resolution congratulating Pamela Arnold on being named the 2010 Vermont Principals' Association's Middle School Principal of the Year;

**H.C.R. 50**

House concurrent resolution congratulating Caroline Bright on being named Miss Vermont for 2010;

**H.C.R. 51**

House concurrent resolution recognizing the important role of nonprofit organizations in Vermont;

**H.C.R. 52**

House concurrent resolution in memory of Mary Pat O'Hagan of Sheffield;

**H.C.R. 53**

House concurrent resolution congratulating the Green Mountain Council Boy Scout Eagle Class of 2010;

**H.C.R. 54**

House concurrent resolution recognizing the dedicated civic service of former Representative Lawrence Molloy of Arlington;

[The full text of the concurrent resolutions appeared in the House Calendar Addendum on the preceding legislative day and will appear in the Public Acts and Resolves of the 2011, seventy-first Biennial session.]

**House Sexual Harassment Policy Adopted**

House Rules met on Friday, February 11, 2011, and adopted the following Sexual Harassment Policy and appointed members to the Sexual Harassment Panel for the 2011/12 biennium. See below for text.

Adopted and Posted February 11, 2011

## **Pursuant to Rule 90**

**The House Rules Committee has  
appointed the following members  
to the Sexual Harassment Panel  
for the 2011- 2012 session**

**Rep. Lucy Leriche of Hardwick  
Rep. Patti Komline of Dorset  
Rep. Linda Waite-Simpson of Essex  
Rep. Mollie Burke of Brattleboro  
Rep. Mike Mrowicki of Putney**

Donald G. Milne, Clerk of the House

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## **Vermont House of Representatives 2009 Sexual Harassment Policy**

It is the policy of the Vermont House of Representatives to provide a professional working environment free from discrimination. Therefore, without qualification, the harassment of anyone on the basis of sex is prohibited.

### **Scope of Policy**

This policy covers the conduct of members of the House of Representatives and employees. The policy extends to the staff of the Legislature and members of the public, including lobbyists and members of the press who allege sexual harassment.

Sexual harassment violates a person's basic civil rights, undermines the integrity of the workplace or work environment and may adversely affect workers and citizens, whether or not they are the direct subjects of the harassment. Sexual harassment may be verbal, physical, auditory or visual, subtle or overt. Sexual harassment is behavior which is not only unwelcome, but may also be personally offensive. Such behavior demonstrates a lack of respect for the rights of others, lowers morale, interferes with work effectiveness and violates a person's sense of well-being. Men or women may be victims of sexual harassment which may occur between equals as well as when one person has authority, or the appearance of authority, over another.

Sexual harassment, a form of sex discrimination, is prohibited by both state and federal law; therefore it is the duty of each House member and the Clerk of the House to provide a workplace free from harassment. This duty involves informing all employees and House members of this policy and that they are not required to endure sexual harassment, that such harassment is illegal and prohibited, and that the sexual harassment policy will be enforced by speedy and impartial investigation of all complaints.

### **Definition of Sexual Harassment**

"Sexual harassment" is a form of sex discrimination and means unwelcome sexual advances, requests for sexual favors and other verbal or physical conduct of a sexual nature when it occurs under one or more of the following circumstances:

1. submission to such conduct is made either explicitly or implicitly a term or condition of employment;
2. submission to or rejection of such conduct by an individual is used as the basis for employment decisions of such individual, whether or not the harasser is the employer;

3. such conduct has the purpose or effect of unreasonably interfering with an individual's or employee's work performance or of creating an intimidating, hostile, or offensive working environment.

Examples of sexual harassment include, but are not limited to, the following when the acts or behavior come within one of the above definitions:

- either explicitly or implicitly conditioning any term of employment (e.g. continued employment, wages, evaluation, advancement, assigned duties or shifts) on the provision of sexual favors;
- touching or grabbing a sexual part of a person's body;
- touching or grabbing any part of a person's body after that person has indicated that such physical contact is unwelcome;
- continuing to ask a person to socialize on or off-duty when that person has indicated a lack of interest;
- displaying or transmitting sexually suggestive pictures, objects, cartoons, posters or other visual matter if it is known or should be known that the behavior is unwelcome;
- continuing to write sexually suggestive notes or letters if it is known or should be known that the person does not welcome such behavior;
- referring to or calling a person a sexualized name if it is known or should be known that the person does not welcome such behavior;
- regularly telling sexual jokes or using sexually vulgar or explicit language in the presence of a person if it is known or should be known that the person does not welcome such behavior;
- retaliation of any kind for having filed or supported a complaint of sexual harassment (e.g. ostracizing the person, pressuring the person to drop or not support the complaint, or adversely altering that person's duties or work environment);
- derogatory or provocative remarks about or relating to a person's sex or sexual orientation;
- harassing acts or behavior directed against a person on the basis of the person's sex or sexual orientation;
- off-duty conduct which falls within the above definitions and affects the work environment.



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### **Confidentiality**

All investigations and efforts to resolve complaints under this procedure shall be conducted with as much confidentiality as possible without compromising the thoroughness of the investigation. The complaint procedure is designed to encourage the reporting of all incidents of sexual harassment by assuring confidentiality to the extent possible to protect the reputation of victims and anyone wrongfully accused and to prohibit retaliation against anyone who files a complaint. Confidentiality cannot be assured if a person uses another forum to report or defend against a sexual harassment complaint. Notice will be given to anyone who is the subject of an investigation of a sexual harassment complaint.

### **Filing a Complaint**

Anyone who believes that he or she has been sexually harassed by a member or an employee of the House has a number of avenues of resolution. Such a person is encouraged to address the problem informally by confronting the individual or having another person intervene to stop the offending behavior. This policy provides for a procedure if other options are ineffective or the person chooses not to attempt informal resolution.

A person may make a complaint to a member of the House Sexual Harassment Panel (SHP), who will thoroughly explain the complaint process and other options for resolution. If the person decides to pursue a complaint, it shall be made in writing and filed with the SHP which will investigate and take steps to resolve the situation with as much confidentiality as possible.

If any party to the complaint is dissatisfied with the resolution proposed by the SHP, the dissatisfied party may request the House Rules Committee to review the actions of the SHP.

Although persons affected by sexual harassment by members of the House or its employees are encouraged to utilize this procedure, a complaint may also be made to court through a private attorney or to any of the following:

Equal Employment Opportunity Commission (EEOC), 1 Congress St., Boston, MA, 02114, tel (617) 565-3200

Human Rights Commission, 133 State St., Montpelier, VT 05602, tel. (802) 828-2480

Vermont Attorney General, Civil Rights Unit, 109 State St., Montpelier, VT 05602 tel. (802) 828-3171

Vermont Labor Relations Board, 13 Baldwin St., Montpelier, VT 05602 tel. (802) 828-2700

### **Training and Information**

The House of Representatives is committed to providing a working environment free from sexual harassment. To that end, it is crucial that the members and employees of the House are provided with training so that they will understand, comply with, and if required, administer this policy. Also, this policy and other supporting documents shall be included in all orientation and informational materials. The Speaker and the Clerk of the House will ensure that House members and employees are informed of this policy and the procedures for reporting sexual harassment. The Speaker will ensure that training is made available to members and employees and that appropriate information is disseminated. Members of the Sexual Harassment Panel may receive additional training so they can carry out their responsibilities.

### **PROCEDURE**

#### **Scope**

This procedure is available to any person who claims to have been sexually harassed by a member, officer or employee of the House of Representatives in the course of legislative business and will apply to complaints of retaliation or failure to comply with a previous resolution of a sexual harassment complaint.

#### **Formal Procedure**

This procedure is initiated by contacting the SHP or an individual member of the panel.

The person shall receive information about how to file a complaint and other information about the process, including options for resolution. Upon receipt of a written complaint, a confidential investigation shall be conducted by the panel or by a designated panel member.

The investigation must be initiated within 48 hours of receipt of the written complaint and concluded within two weeks. The person making the complaint shall be kept informed of the progress of the investigation. The subject of the complaint will be notified.

At the conclusion of the investigation, the SHP will determine whether sexual harassment has occurred and, if so, will propose a recommendation for resolution. The report will be in writing.

If the matter is not resolved by the SHP, it will be referred to the Rules Committee. The Rules Committee will review the report and the recommendation for resolution by the SHP and make its own recommendation for an appropriate resolution. The Rules Committee shall take the steps

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necessary to implement any proposed resolution which requires action by the House.

### **Confidentiality**

All actions of the SHP are confidential. Except as otherwise provided in the rules of the House, actions of the Rules Committee to review cases referred by the panel are also confidential.

Records of sexual harassment complaints filed with the SHP and written reports will be retained by the panel and accessed only with the consent of the panel.

Communications with members of the panel shall also be confidential, even if a written complaint is not filed.

### **Sexual Harassment Panel**

**Rep. Lucy Leriche of Hardwick**  
**Rep. Patti Komline of Dorset**  
**Rep. Linda Waite-Simpson of Essex**  
**Rep. Mollie Burke of Brattleboro**  
**Rep. Mike Mrowicki of Putney**