

1 H.707

2 Senator Balint moves that the Senate propose to the House that the bill be
3 amended in Sec. 1, 21 V.S.A. § 495h, by striking out subsection (j) and
4 inserting in lieu thereof subsections (j), (k), and (l) to read:

5 (j)(1)(A) The parties to an agreement to settle a sexual harassment claim,
6 which contains a provision that prohibits or restricts the individual who made
7 the claim from disclosing information related to the claim of sexual
8 harassment, shall provide notice of the settlement agreement to the Attorney
9 General within 15 calendar days after entering into the agreement. The notice
10 shall specify the date of the settlement agreement, the name of the claimant
11 and his or her contact information, and the names of the employer, the alleged
12 harasser, and any other parties to the agreement. The notice shall not be
13 required to include any information relating to the specific details of the claim
14 or to the terms of the settlement.

15 (B) The Attorney General shall maintain a database of all notices
16 received pursuant to this subsection, and any settlement agreements related to a
17 charge or formal complaint of sexual harassment that was filed by either the
18 Attorney General or the Human Rights Commission. The database shall be
19 searchable by name, contact information, and employer.

20 (C) Except as otherwise provided pursuant to this subsection, all
21 notices of submitted pursuant to this subsection and any related records kept by

1 the Attorney General shall be exempt from public inspection and copying
2 under the Public Records Act and shall be kept confidential.

3 (2)(A) If the Attorney General’s Office or the Human Rights
4 Commission receives a complaint that it determines states a prima facie claim
5 of sexual harassment it shall determine whether the database maintained
6 pursuant to subdivision (1)(B) of this subsection has a record of any prior
7 settlements of sexual harassment claims made against the alleged harasser.

8 (B) If such a record exists, the Attorney General or Human Rights
9 Commission shall provide notice of the pending complaint to all claimants
10 identified in relation to the prior settlement agreements and shall inform those
11 individuals of their rights to:

12 (i) lodge a complaint of sexual harassment with the Attorney
13 General, a State’s Attorney, the Human Rights Commission, the Equal
14 Employment Opportunity Commission, or any other State or federal agency;
15 and

16 (ii) testify, assist, or participate in an investigation related to a
17 claim of sexual harassment conducted by the Attorney General, a State’s
18 Attorney, the Human Rights Commission, the Equal Employment Opportunity
19 Commission, or any other State or federal agency.

1 (3) As used in this subsection, “information related to the claim of
2 sexual harassment” does not include the specific terms of the settlement
3 agreement or the amount of any monetary settlement.

4 (k)(1) A provision of an agreement to settle a sexual harassment claim that
5 prohibits or restricts the individual who made the claim from disclosing
6 information related to the claim of sexual harassment shall be void and
7 unenforceable with respect to the claimant if in a separate claim against the
8 alleged harasser:

9 (A) a court or tribunal of competent jurisdiction determines in a final
10 decision or judgment issued after the date of the agreement that he or she
11 engaged in sexual harassment or retaliation in relation to a claim of sexual
12 harassment; and

13 (B) the decision or judgment is no longer subject to appeal.

14 (2) As used in this subsection, “information related to the claim of
15 sexual harassment” does not include the specific terms of the related settlement
16 agreement or the amount of any monetary settlement.

17 (l) The Attorney General shall adopt rules as necessary to implement the
18 provisions of this section.

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