

NASCA

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State Chief Administrators

INNOVATIONS
IN STATE
GOVERNMENT

State of GEORGIA

Department of Administrative Services

2019 Innovations in State Government

Sexual Harassment
Prevention Program
[Personnel]



Executive Summary (10 points)

On January 14, 2019, his first day in office, Governor Brian P. Kemp signed an Executive Order memorializing the State of Georgia's commitment to prevent sexual harassment in the executive branch of government and requiring the Georgia Department of Administrative Services ("DOAS") and the Office of the State Inspector General ("OIG"), in conjunction with the Governor's Executive Counsel, to develop and implement a program to eliminate sexual harassment and retaliation in state government. While many states have grappled with how to address sexual harassment in the workplace, Georgia has taken a leading-edge approach, developing and fully implementing a comprehensive, large-scale program to tackle this important workplace concern while preserving the State's largely decentralized structure. The program introduces consistency across the enterprise and creates agency accountability for compliance.

As of March 1, 2019, Georgia has enacted a zero-tolerance sexual harassment prevention policy upholding the commitment to providing a harassment free environment for employees and citizens who interact with state government. The Statewide Sexual Harassment Prevention Policy ("the Policy") applies to all executive branch agencies, authorities, boards and commissions. The Policy creates a common standard of conduct and ensures consistency by creating uniform standardized procedures for reporting and investigating complaints. It further requires mandatory, policy-specific sexual harassment prevention training, as well as standardized training for those charged with investigating complaints.

Georgia's new program eliminates a previously fragmented approach to training and complaint resolution. The program introduces consistency across the enterprise of state government and creates agency accountability for compliance. By implementing agency reporting requirements and granting audit responsibility to the OIG, the program creates insight and transparency into the issue across the enterprise as well as ensures agency accountability for compliance with the program at every level.

Georgia has taken a hybrid approach in developing its program, maximizing the benefits of both decentralized and centralized management. This structure addresses common concerns with impartiality, consistency and accountability and is largely transferable to other organizations.

Through a combination of training, consistency and oversight, it is anticipated that this program will result in a significant reduction in sexual harassment in Georgia's workplace. In the words of our Governor, Brian P. Kemp, the State of Georgia sent "a strong message and [set] the bar high for state government" in its "commitment to create and maintain a harassment free workplace."

Innovation (30 points)

While many states have adopted piecemeal measures to address sexual harassment in the workplace (for example, implemented mandatory training), Georgia has implemented a multi-dimensional program. By enacting a statewide policy and completely overhauling how complaints of sexual harassment are addressed, the program's scope is comprehensive, as outlined below.

On March 1, 2019, Georgia implemented the Statewide Sexual Harassment Prevention Policy ("the Policy"), that applies to all executive branch agencies, authorities, boards and commissions. It sets a common standard of conduct applicable across the enterprise of state government, defining a zero-tolerance policy against sexual harassment and retaliation. The Policy emphasizes prevention, while

also ensuring all complaints will be promptly, consistently and fairly addressed. Further, the program introduces accountability for handling of complaints and creates insight at the enterprise level which was heretofore unavailable.

States have long debated whether the human resources function in state government should be centralized or decentralized. While human resources in Georgia is largely decentralized, Georgia has taken a hybrid approach to its sexual harassment program, maximizing the benefits of both approaches. While complaints are handled at the agency level, the Policy introduces a level of transparency, accountability and oversight by the Office of the State Inspector General (OIG) that was previously unavailable in a fully decentralized model. Each agency is required to notify the OIG within two business days of receipt of a complaint of sexual harassment. The OIG is responsible for determining whether a complaint should be handled internally at the originating agency, and to designate a trained, impartial investigator, if necessary. Agencies are required to provide information to the OIG regarding investigations including the closing date and report conclusion. The OIG's involvement improves transparency by creating a centralized record of all complaints, while holding agencies accountable for appropriate and timely resolution of complaints. The OIG is granted audit authority to ensure compliance with all aspects of the program.

Pursuant to the Governor's Executive Order, the Georgia Department of Administrative Services (DOAS) has developed mandatory training regarding sexual harassment, specifically tailored to the Policy. Over 70,000 state employees are required to complete training on an annual basis. Additional training is mandated for supervisors and managers. In order to ensure a harassment free workplace, independent contractors are also required to complete sexual harassment training. The employee and manager training courses were developed using the latest eLearning technologies allowing the agencies to efficiently distribute training to employees and managers. DOAS also developed standard contract language addressing training for contractors and conducted a webinar with agency procurement personnel explaining this new requirement.

Investigative procedures are included in the Policy to ensure consistency across agencies. Each agency must designate specific employees to investigate sexual harassment complaints and require the investigators to complete in-person training. Investigations and disciplinary action, if appropriate, must be completed by specified deadlines to ensure complaints are addressed in a timely manner.

To successfully rollout the program in Georgia's decentralized HR environment, agencies are provided standardized tools to address sexual harassment complaints. In addition to developing policy-specific training for employees, managers, supervisors, and investigators, DOAS has provided a toolkit for agency HR professionals via the [DOAS website](#). The toolkit contains access to online training files, links to a document library, an employee policy acknowledgement form, checklists, and FAQs to support the program.

Finally, the project team developed a comprehensive, multichannel communication plan to announce the policy implementation, provide an overview of the implementation resources, and address related questions. The plan included memos to Agency Heads and HR Directors with a personal appearance by the Governor at a Human Resources Director's meeting to announce the program, an Agency Head breakfast policy briefing, and a webinar for HR Directors.

Transferability (30 points)

Sexual harassment prevention is an issue common to every workplace, is currently subject to heightened public scrutiny, and should be addressed by every state. Georgia's approach to its sexual harassment prevention program is thorough and comprehensive and is largely transferable to any state regardless of its human resources structure. Since Georgia's approach involves a hybrid of centralized and decentralized management, most components should be easily transferable to any state.

Georgia's program addresses policy, investigation procedures, training, compliance, and oversight, all of which are transferable.

- **Statewide Policy:** The Policy creates a standard of conduct that prevents all sexual harassment, not just that which would rise to the level of legal liability. The Policy creates multiple reporting avenues and ensures that complaints will be handled efficiently and impartially by creating deadlines for resolution. It also provides the option of assigning an impartial investigator outside of the agency.
- **Statewide Investigation Procedures:** The investigation procedures, which ensure consistent handling of complaints across the entire state enterprise, easily translate to any organization. An important and transferrable component of the investigation procedures is the requirement that every complaint conclude with one of four prescribed determinations, further driving consistency in resolutions.
- **Mandatory Sexual Harassment Prevention Training:** While aspects of the training are specific to Georgia's program, the prevention training developed as part of this program is largely universal and publicly available to any organization. The requirement of separate training, specific to managers and supervisors, which recognizes the special role and responsibility supervisory employees play in preventing sexual harassment in the workplace, is another transferrable aspect of the training program.
- **Implementation Approach:** By providing state agencies with standard training, templates and other resources, the program enables the agencies to focus on implementing and maintaining the program in their own unique environment. Simultaneously, this allows DOAS to efficiently update program resources on an ongoing basis.
- **Compliance and Oversight:** While complaint oversight and compliance monitoring are granted to the Office of the State Inspector General in Georgia's program, this framework of centralized oversight and transparency is adaptable to any state's framework.

Efficiencies Created (30 points)

Georgia's new sexual harassment program was designed to achieve maximum success with minimal wasted effort or expense. Notably, this program was developed and implemented with existing resources at no additional cost to agencies.

The Georgia Department of Administrative Services internally developed and distributed policy specific training for employees, managers and supervisors which can be viewed via existing learning management systems or by video.

By providing training and additional resources to each agency, the State has ensured a high compliance rate. Approximately 70,000 employees and 14,000 managers and supervisors have been trained within five months of the Policy's effective date, demonstrating a compliance rate of almost 90 percent. Additionally, over 300 employees across the enterprise (at least two in each agency) have received in person training for investigating complaints of sexual harassment.

Because complaints and their resolution must now be reported to the OIG, the State is able to establish baselines and track success of the program at the enterprise level. Centralized reporting will allow the State to identify trends within agencies and across the enterprise and address them accordingly. The OIG's audit function is further expected to ensure compliance with the Policy.

Standardized investigation procedures have led to uniformity and consistency in the handling of complaints, enhancing employees' confidence that any complaint will be appropriately addressed.

Georgia's program has led to an increased level of awareness regarding appropriate workplace conduct. Due to the focus and attention given to this issue, Georgia has made significant process in ensuring a sexual harassment free workplace.