

Regular Session, 2014

SENATE BILL NO. 412

BY SENATORS MORRELL AND MURRAY

EMPLOYMENT. Provides with respect to employment discrimination. (8/1/14)

1 AN ACT

2 To amend and reenact R.S. 51:2231(C), 2232(12) and (13), the introductory paragraph of
3 2235 and (9), 2237(1), and 2256, relative to employment discrimination; to provide
4 with respect to the Louisiana Commission on Human Rights; and to provide for
5 related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. R.S. 51:2231(C), 2232(12) and (13), the introductory paragraph of 2235
8 and (9), 2237(1), and 2256 are hereby amended and reenacted to read as follows:

9 §2231. Statement of purpose; limitation on prohibitions against discrimination
10 because of age

11 * * *

12 C. The Louisiana Commission on Human Rights shall have enforcement
13 powers including adjudication of claims of discrimination prohibited by ~~R.S. 23:312,~~
14 ~~323, and 332, sickle cell trait discrimination prohibited by R.S. 23:352, and~~
15 ~~discrimination because of pregnancy prohibited by R.S. 23:341 et seq.~~ **Chapter 3-A**
16 **of Title 23 of the Louisiana Revised Statutes of 1950.**

17 §2232. Definitions

As used in this Chapter:

* * *

(12) "Discriminatory practice in connection with employment" means an employment practice prohibited by ~~R.S. 23:312, 323, or 332~~ **Chapter 3-A of Title 23 of the Louisiana Revised Statutes of 1950.**

(13) "Unlawful practice" means a discriminatory practice in connection with employment, a discriminatory practice in connection with public accommodations, or any other practice prohibited by this Chapter **or by Chapter 3-A of Title 23 of the Louisiana Revised Statutes of 1950.**

* * *

§2235. Powers and duties of commission

In the enforcement of this Chapter **or of Chapter 3-A of Title 23 of the Louisiana Revised Statutes of 1950,** the commission shall have the following powers and duties:

* * *

(9) To receive, initiate, investigate, seek to conciliate, hold hearings on, and pass upon complaints alleging violations of this Chapter **or of Chapter 3-A of Title 23 of the Louisiana Revised Statutes of 1950.**

* * *

§2237. Local human rights commissions

Any parish or municipality, or one or more parishes and municipalities acting jointly, may create a human rights commission, hereinafter referred to as a "local commission":

(1) To provide for execution within its jurisdiction of the policies embodied in this Chapter, **Chapter 3-A of Title 23 of the Louisiana Revised Statutes of 1950,** and the Federal Civil Rights Act of 1964 (78 Stat. 241).

* * *

§2256. Conspiracy to violate ~~this Chapter~~ **human rights and discrimination laws**

unlawful

1 It shall be an unlawful practice for a person or for two or more persons to
2 conspire:

3 (1) To retaliate or discriminate in any manner against a person because he
4 has opposed a practice declared unlawful by this Chapter **or by Chapter 3-A of**
5 **Title 23 of the Louisiana Revised Statutes of 1950**, or because he has made a
6 charge, filed a complaint, testified, assisted, or participated in any manner in any
7 investigation, proceeding, or hearing under this Chapter **or by Chapter 3-A of Title**
8 **23 of the Louisiana Revised Statutes of 1950**.

9 (2) To aid, abet, incite, compel, or coerce a person to engage in any of the
10 acts or practices declared unlawful by this Chapter **or by Chapter 3-A of Title 23**
11 **of the Louisiana Revised Statutes of 1950**.

12 (3) To obstruct or prevent a person from complying with the provisions of
13 this Chapter **or by Chapter 3-A of Title 23 of the Louisiana Revised Statutes of**
14 **1950** or any order issued thereunder.

15 (4) To resist, prevent, impede, or interfere with the commission, or any of
16 its members or representatives, in the lawful performance of duty under this Chapter
17 **or by Chapter 3-A of Title 23 of the Louisiana Revised Statutes of 1950**.

The original instrument was prepared by Mary Dozier O'Brien. The following digest, which does not constitute a part of the legislative instrument, was prepared by Nancy Vicknair.

DIGEST

Morrell (SB 412)

Present law protects an employee from reprisal in specific situations relative to information given by an employee regarding any violation of labor laws.

Present law defines "discriminatory practice in connection with employment" to include employment practices prohibited by Title 23 of the La. R.S., including age, disability, race, color, religion, sex, or national origin.

Proposed law retains present law and extends the definition of "discriminatory practice in connection with employment" to include all of the discrimination statutes in Chapter 3-A of Title 23 of the La. R.S., which would add veterans, pregnancy, childbirth, and related medical conditions, sickle cell traits, and genetic information.

Proposed law clarifies that the procedures in present law shall be used in the investigation and complaint process for all employment discrimination laws.

Effective August 1, 2014.

(Amends R.S. 51:2231(C), 2232(12) and (13), 2235(intro para) and (9), 2237(1), and 2256)

Summary of Amendments Adopted by Senate

Senate Floor Amendments to engrossed bill

1. Removes language regarding retaliation from proposed law.