

2018 Regular Session

SENATE BILL NO. 404

BY SENATOR HEWITT

EMPLOYMENT. Provides relative to sexual harassment prevention policies and training for state officials and employees. (gov sig)

1 AN ACT

2 To enact Chapter 17-A of Title 42 of the Louisiana Revised Statutes of 1950, to be

3 comprised of R.S. 42:1281 through 1293, relative to sexual harassment prevention;

4 to define and prohibit sexual harassment; to provide for legislative intent; to provide

5 for public policy; to provide for definitions; to define prohibited acts; to provide for

6 complaint procedure; to provide for remedies; to provide for disciplinary actions; to

7 provide for duties; to provide for educational training; to provide for a handbook; to

8 provide for administrative rules; and to provide for related matters.

9 Be it enacted by the Legislature of Louisiana:

10 Section 1. Chapter 17-A of Title 42 of the Louisiana Revised Statutes of 1950,

11 comprised of R.S. 42:1281 through 1293, are hereby enacted to read as follows:

12 **CHAPTER 17-A. LOUISIANA STATE EMPLOYEES' SEXUAL**

13 **HARASSMENT PREVENTION AND TRAINING**

14 **PART I. PREVENTION OF SEXUAL HARASSMENT**

15 **IN STATE EMPLOYMENT**

16 **§1281. Legislative intent**

17 **A. The legislature finds and declares that all of the following harms**

1 occur related to sexual harassment:

2 (1) Sexual harassment violates an individual's basic civil rights.

3 (2) Sexual harassment undermines the personal dignity of state
4 employees and officials.

5 (3) Sexual harassment violates and undermines the integrity of the
6 workplace, whether or not the individual state employee is the direct subject of
7 the sexual harassment.

8 (4) Sexual harassment can destroy the career opportunities and the very
9 livelihood of a state employee or officials.

10 §1282. Declaration of public policy

11 The public policy of Louisiana is that state government is committed to
12 workplace decency and will not tolerate, condone, or permit any kind of sexual
13 harassment of any state employee, applicant for state employment or public
14 official of the state.

15 §1283. Definitions

16 For purposes of this Chapter, the following terms shall have the
17 definitions ascribed in this Section unless the context indicates otherwise:

18 (1) "Agency" means the department, office, division, agency,
19 commission, board, committee or other organizational unit of the state which
20 employs the employee.

21 (2) "Alleged offender" means a coworker or supervisor who is the
22 subject of a sexual harassment written complaint filed by an employee pursuant
23 to this Chapter.

24 (3) "Civil service" means the Department of State Civil Service provided
25 for in Article X, Section 6, Paragraph A of the Constitution of Louisiana.

26 (4) "Coworker" means a fellow worker employed by the state and a
27 public official, whether elected or appointed, of the state.

28 (5) "Employee" means a current employee, applicant, or former
29 employee of the agency and a public official, whether elected or appointed, of

1 the agency.

2 (6) "Investigator" means the agency head, chief of staff, director of
3 human resources, sexual harassment prevention coordinator, or other person
4 designated by the agency to investigate written complaints of sexual
5 harassment.

6 (7) "Offender" means a coworker or supervisor who has been
7 investigated pursuant to a sexual harassment written complaint filed by an
8 employee and has been deemed by his agency to have violated the provisions of
9 this Chapter.

10 (8) "Retaliation" means adverse action taken against an employee or
11 other individual for any of the following:

12 (a) Filing a sexual harassment written complaint.

13 (b) Testifying or cooperating in an investigation or proceeding involving
14 a sexual harassment written complaint.

15 (9) "Sexual harassment" means an instance of unwanted sexual conduct
16 which occurs after an employee has communicated to the coworker that such
17 conduct is unwelcome when any of the following occur:

18 (a) Submission to such conduct is made, either explicitly or implicitly,
19 a term or condition of employment.

20 (b) Submission to or rejection of such conduct by an individual is used
21 as the basis for employment decisions affecting the employee.

22 (c) The conduct has the purpose or effect of unreasonably interfering
23 with an individual's work performance or creating an intimidating, offensive,
24 or hostile working environment.

25 (10) "Sexual harassment prevention coordinator" means the human
26 resources director or other person who is designated by the agency to
27 coordinate and distribute educational and training materials pursuant to Part
28 II of this Chapter and to receive written complaints pursuant to Part I of this
29 Chapter.

1 **(11) "Supervisor" means a coworker who is appointed by his agency**
2 **and who is authorized by the agency to do any of the following:**

3 **(a) Promote or demote the employee who filed the written complaint**
4 **pursuant to R.S. 42:1285.**

5 **(b) Perform an annual or periodic written performance review of the**
6 **employee who filed the written complaint pursuant to R.S. 42:1285.**

7 **(12) "Unwanted sexual conduct" means an unwelcome advance, request**
8 **for sexual favor, or other verbal or physical conduct of a sexual nature.**

9 **§1284. Prohibited acts**

10 **A. It shall be unlawful for any coworker to commit sexual harassment**
11 **against any employee.**

12 **§1285. Complaint procedure; investigations**

13 **A.(1) An employee, who believes the employee is a victim of sexual**
14 **harassment as defined in R.S. 42:1283, may file a written complaint with the**
15 **supervisor or the coordinator of sexual harassment prevention at the agency in**
16 **which the employee is employed.**

17 **(2) The written complaint shall be on a form promulgated by the**
18 **division of administration pursuant to R.S. 42:1287.**

19 **(3) When a written complaint is filed pursuant to this Subsection, the**
20 **investigator for the agency shall conduct an investigation of the employee's**
21 **written complaint.**

22 **B.(1) When the employee who believes he is a victim of sexual**
23 **harassment, as defined in R.S. 42:1283, and the alleged offender is the head of**
24 **the employee's agency or the agency's investigator, the employee may file the**
25 **written complaint with the sexual harassment prevention coordinator with the**
26 **commissioner of administration's office.**

27 **(2) When a written complaint is filed pursuant to Paragraph (1) of this**
28 **Subsection, the sexual harassment prevention coordinator with the**
29 **commissioner of administration's office, in conjunction with the office of risk**

1 management, shall conduct an investigation of the employee's written complaint
2 as provided for in R.S. 42:1287.

3 C. The investigation of the employee's written complaint shall include
4 taking statements from the employee, coworkers, or supervisor and any
5 witnesses.

6 D. If at any time during the investigation, the investigator becomes
7 aware that, in addition to the allegations of sexual harassment, there exists
8 credible evidence that the employee has been a victim of a sexually related
9 crime as provided in Title 14 of the Louisiana Revised Statutes of 1950 or other
10 source of criminal law, the investigator shall assist the employee in reporting the
11 crime to state or local law enforcement authorities.

12 E. The investigator, the agency head, and the sexual harassment
13 prevention coordinator shall keep all information regarding the investigation
14 confidential, except when such confidentiality would interfere with the
15 resolution of the investigation.

16 §1286. Disciplinary actions; assistance to victims

17 A. After the investigation is conducted, and there is a finding by the
18 agency that the sexual harassment described in the written complaint took
19 place, the offender shall be subject to a reprimand and shall be ordered to take
20 remedial training to reform his conduct.

21 B.(1) If the offender fails to take the remedial training or commits a
22 second or subsequent offense after the remedial training provided for in
23 Paragraph (1) of this Subsection, the offender shall be demoted or dismissed.

24 (2) In addition to the disciplinary action as provided for in Paragraph
25 (1) of this Subsection, the sexual harassment misconduct shall be made part of
26 the employment record of the offender.

27 C. In addition to the disciplinary action provided in Subsection B, a
28 supervisor shall be subject to removal from his supervisory duty over employees
29 if he is found by his agency to have committed sexual harassment, in violation

1 of this Part, against an employee whom he supervises.

2 §1287. Division of administration; written complaint forms, risk management

3 A. The division of administration shall promulgate the written
4 complaint form for sexual harassment to be filed pursuant to R.S. 42:1285.

5 B.(1) The sexual harassment prevention coordinator for the division of
6 administration shall serve as the person who receives the written complaints
7 when an employee files a written complaint against the head of the employee's
8 agency or the investigator of the employee's agency.

9 (2) The division of administration in conjunction with the office of risk
10 management shall investigate the written complaint.

11 §1288. Civil service; state employment applications; prior employment history
12 of sexual harassment allegations

13 A. Notwithstanding anything to the contrary, the Department of State
14 Civil Service shall insert a question on all state employment applications which
15 will ask the applicant if he has ever been fired or terminated from employment
16 on the basis of a sexual harassment complaint that was filed against him while
17 he was employed with his current or previous employer.

18 B. As it relates to an applicant who has a history of being an alleged
19 offender in sexual harassment complaints in his previous employment, the
20 Department of Civil Service shall develop policies and procedures which will
21 assist state agencies in doing all of the following:

22 (1) Determining if the historical evidence indicates that applicant is
23 reasonably likely in the future to put state employees at risk for sexual
24 harassment.

25 (2) Determining if the applicant should be hired in a supervisory
26 capacity.

27 (3) Determining if the applicant should be barred from employment at
28 the state agency.

29 PART II. EDUCATION AND TRAINING TO

1 PREVENT SEXUAL HARASSMENT

2 §1289. Educational training; preventing sexual harassment; mandatory
3 requirements; civil service

4 A.(1) Every public official, whether elected or appointed, of each state
5 agency and every employee of that agency shall complete a minimum of one
6 hour of education and training on recognizing and preventing sexual
7 harassment each year of the term of his public employment or term of office.
8 All newly appointed public officials or newly hired employees shall complete the
9 required one hour of educational training within the first thirty days of
10 employment. All newly elected officials shall complete the required one hour
11 educational training on sexual harassment prevention within the first ninety
12 days after taking office.

13 (2) Each appointed head of a department of the executive branch
14 enumerated in R.S. 36:4(A) shall be required to complete an additional one
15 hour education and training on sexual harassment prevention during each year
16 of his public employment or term of office.

17 B.(1) The Department of State Civil Service shall compile and produce
18 training materials, a video or digital teaching, or other educational information
19 designed to prevent sexual harassment.

20 (2) The education and training requirements provided for in Subsection
21 A may be completed through any one of the following methods:

22 (a) In person, through the agency, with training or educational materials
23 provided for by the Department of State Civil Service.

24 (b) By the internet, compact disk, or other training or educational
25 materials provided for by Department of State Civil Service.

26 (c) In person through the Comprehensive Public Training Program
27 maintained by the Department of State Civil Service.

28 §1290. Remedial training

29 A. The Department of State Civil Service shall develop a remedial

1 training curriculum for persons who are subject to disciplinary action as
2 provided for in R.S. 42:1286.

3 B. The remedial training shall be made available to each agency for
4 those purposes provided for in R.S. 42:1286.

5 §1290. Agency designee, sexual harassment prevention coordinator

6 A.(1) Each agency shall designate at least one person to be the sexual
7 harassment prevention coordinator.

8 (2) The sexual harassment prevention coordinator shall provide all
9 public officials and employees of that agency with information and instruction
10 relative to recognizing and preventing sexual harassment in the work place,
11 utilizing education and training materials made available by civil service.

12 (3) The sexual harassment prevention coordinator shall complete a
13 minimum of two hours of education and training regarding sexual harassment
14 prevention in the workplace annually.

15 B.(1) Each agency head shall ensure that each public official and
16 employee in the agency is notified of the current name and contact information
17 of each sexual harassment prevention coordinator and that the current name
18 and contact information of each coordinator is posted and maintained in a
19 convenient and conspicuous manner which makes the information easily
20 accessible to each public official and employee in the agency.

21 (2) Each agency head shall submit the name and contact information of
22 the agency's sexual harassment prevention coordinator to division of
23 administration no later than July first of each year.

24 (3) Each agency head shall notify the division of administration within
25 thirty days of any change in the name or contact information of the sexual
26 harassment prevention coordinator.

27 C.(1) Each agency's sexual harassment prevention coordinator shall
28 keep records of the compliance with the requirements of this Section by each
29 public official or employee.

1 **(2) If the agency's head or the sexual harassment prevention coordinator**
2 **discovers that a public official or employee has failed to complete the annual**
3 **training required by this Section after the public official or the employee has**
4 **been notified of the failure, the agency shall report the failure to complete**
5 **training to the legislative auditor.**

6 **§1292. Agency handbook on sexual harassment and prevention**

7 **A. The commissioner of the division of administration shall promulgate**
8 **a sexual harassment prevention handbook which is consistent with the public**
9 **policy enacted by the legislature pursuant to R.S. 42:1282.**

10 **B. The sexual harassment prevention handbook will include all of the**
11 **following:**

12 **(1) The clear and concise public policy, pursuant to R.S. 42:1282, that**
13 **the state is committed to workplace decency and will not tolerate, condone, or**
14 **permit any kind of sexual harassment of any state employee or applicant for**
15 **state employment.**

16 **(2) Provide the legal definition of sexual harassment as provided in R.S.**
17 **42:1283.**

18 **(3) The prohibition against retaliation.**

19 **(4) To whom the policy is applicable.**

20 **(5) Sample explanations of behavior, as cited by the United States Equal**
21 **Opportunity Commission or other authoritative legal sources, which are**
22 **examples of unwanted sexual conduct.**

23 **(6) Define violations for prohibited conduct in a sexual harassment**
24 **investigation including failing to cooperate with a sexual harassment**
25 **investigation, interfering with the investigative process, and filing a false report**
26 **of sexual harassment.**

27 **(7) Sexual harassment prevention training requirements, as provided in**
28 **this Part.**

29 **(8) A complaint procedure including the place in which to access the**

1 form to file a written complaint if the employee is a victim of sexual harassment
2 in violation of this Chapter.

3 (9) To whom a written complaint may be filed.

4 (10) What details may be necessary to facilitate an investigation.

5 (11) Appropriate response of the supervisor or agency head.

6 (12) Description of the process to keep information obtained pursuant
7 to the investigation confidential.

8 (13) Description of the investigation process, including the initial
9 investigative process, the interview process, and notice of final
10 recommendations.

11 (14) Complaint resolution, including potential corrective actions and
12 additional measures that may be taken upon completion of the investigative
13 process.

14 (15) Follow-up procedures implemented to ensure non-recurrence and
15 compliance with the provisions of this Chapter.

16 (16) Explanation of what constitutes good faith and bad faith complaints.

17 (17) The process and corrective action for false or bad faith complaints.

18 (18) Apprise employees of applicable federal and state law and the right
19 to file suit.

20 C.(1) The division of administration will transmit a copy of the sexual
21 harassment prevention handbook to the head of each agency.

22 (2) The transmission of the copy of the sexual harassment prevention
23 handbook may be by electronic means or distributing a physical copy.

24 D.(1) Upon receiving the transmitted copy of the sexual harassment
25 prevention handbook, the agency shall add the following information to the
26 handbook indicating the name and contact information of the sexual
27 harassment prevention coordinator, for the agency, who will coordinate and
28 facilitate the complaint process.

29 (2) The agency shall distribute the agency's sexual harassment

1 prevention handbook to each employee.

2 (3) The transmission of agency's sexual harassment prevention
3 handbook may be delivered to each employee by electronic means or by
4 physical copy.

5 §1293. Administrative rules

6 The commissioner of administration shall promulgate, in accordance
7 with the provisions of the Administrative Procedures Act, such rules as may be
8 necessary in order to implement the provisions of this Chapter.

9 Section 2. This Act shall be known and may be cited as the "Louisiana State
10 Employees' Sexual Harassment Prevention and Training Act."

11 Section 3. This Act shall become effective upon signature by the governor or, if not
12 signed by the governor, upon expiration of the time for bills to become law without signature
13 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If
14 vetoed by the governor and subsequently approved by the legislature, this Act shall become
15 effective on the day following such approval.

The original instrument and the following digest, which constitutes no part
of the legislative instrument, were prepared by Carla S. Roberts.

DIGEST

SB 404 Original

2018 Regular Session

Hewitt

Proposed law provides for the "Louisiana State Employees' Sexual Harassment Prevention and Training Act."

Proposed law provides that the legislature finds and declares that all of the following harms related to sexual harassment:

- (1) Sexual harassment violates an individuals basic civil rights.
- (2) Sexual harassment undermines the personal dignity of state employees and officials.
- (3) Sexual harassment violates and undermines the integrity of the workplace, whether or not the individual state employee or official is the direct subject of the sexual harassment.
- (4) Sexual harassment can destroy the career opportunities and the very livelihood of an employee of a state agency.

Proposed law provides that the public policy of the state is that state government is committed to workplace decency and will not tolerate, condone, or permit any kind of sexual harassment of any state employee, applicant for state employment, or public official, or public official of the state.

Proposed law provides for the following definitions related to proposed law:

- (1) "Agency" means the department, office, division, agency, commission, board, committee or other organizational unit of the state of La. which employs the employee.
- (2) "Alleged offender" means a coworker or supervisor who is the subject of a sexual harassment written complaint filed by an employee pursuant to proposed law.
- (3) "Civil service" means the Dept. of State Civil Service provided for in the La. Constitution.
- (4) "Coworker" means a fellow worker of the employee or public official.
- (5) "Employee" means an employee, applicant, or former employee, and public official of the agency.
- (6) "Investigator" means the agency head, chief of staff, director of human resources, sexual harassment prevention coordinator, or other person designated by the agency to investigate written complaints of sexual harassment.
- (7) "Offender" means a coworker or supervisor who has been investigated pursuant to a sexual harassment written complaint filed by an employee and has been deemed by his agency to have violated the provisions of proposed law.
- (8) "Retaliation" means adverse action taken against an employee or other individual for filing a sexual harassment written complaint or testifying or cooperating in an investigation or proceeding involving a sexual harassment written complaint.
- (9) "Sexual harassment" means an instance of unwanted sexual conduct which occurs after an employee has communicated to the coworker that such conduct is unwelcome when any of the following occur:
 - (a) Submission to such conduct is made, either explicitly or implicitly, a term or condition of employment.
 - (b) Submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting the employee.
 - (c) The conduct has the purpose or effect or unreasonably interfering with an individuals work performance or creating an intimidating, offensive or hostile working environment.
- (10) "Sexual harassment prevention coordinator" means the human resources director or other person who is designated by the agency to coordinate and distribute educational and training materials and who is charged with receiving written complaints pursuant to proposed law.
- (11) "Supervisor" means a coworker who is a representative of the agency and who is authorized by the agency to do any of the following:
 - (a) Promote or demote the employee who filed the written complaint pursuant to proposed law.
 - (b) Perform an annual or periodic written performance review of the employee who filed the written complaint pursuant to proposed law:
- (12) "Unwanted sexual conduct" means an unwelcome advance, request for sexual favor,

or other verbal or physical conduct of a sexual nature.

Proposed law provides that it shall be unlawful for any coworker to commit sexual harassment, as is defined in proposed law, against any employee.

Proposed law provides that an employee, who believes the employee is a victim of sexual harassment as defined in proposed law, may file a written complaint with the supervisor or the coordinator of sexual harassment prevention at the agency in which the employee is employed.

Proposed law provides that the state agency's investigator will conduct an investigation of the employee's written complaint.

Proposed law provides that, when the employee believes the employee is a victim of sexual harassment, as defined in proposed law, and the alleged offender is the head of the employee's state agency or the agency's investigator, the employee may file the written complaint with the sexual harassment prevention coordinator at the commissioner of administration's office. Proposed law provides that the investigator for the commissioner of administration's office, in conjunction with the office of risk management, shall conduct an investigation of the employee's written complaint.

Proposed law provides that the investigation into the employee's written complaint of sexual harassment will include taking statements from the coworker or supervisor and any witnesses.

Proposed law provides that if, at any time during the investigation, the investigator becomes aware that, in addition to the allegations of sexual harassment, there exists credible evidence that the employee has been a victim of a sexually related crime in La. Criminal Code or other source of criminal law, the investigator shall assist the employee in reporting the crime to state or local law enforcement authorities.

Proposed law provides that the investigator, the agency head, and the sexual harassment prevention coordinator shall keep all information regarding the investigation confidential, except when such confidentiality would interfere with the resolution of the investigation.

Proposed law provides that, after the investigation is conducted, and there is a finding by the agency that sexual harassment has taken place which was described in the written complaint, the offender shall be subject to a reprimand and shall be ordered to take remedial training to reform his conduct. Proposed law provides that, if the offender fails to take the remedial training or commits a second or subsequent offense after the remedial training provided for in proposed law that the offender commits sexual harassment against an employee in violation of proposed law, the offender shall be demoted or dismissed.

Proposed law provides that, in addition to the disciplinary action as provided for in proposed law, the sexual harassment misconduct shall be made part of the employment record of the offender.

Proposed law provides that, if the offender is the supervisor, he shall be subject to removal from his supervisory duty over employees if he is found by his agency to have committed sexual harassment, in violation of proposed law against an employee whom he supervises.

Proposed law provides that the division of administration shall promulgate the written complaint form to be used by state employees to report complaints of sexual harassment.

Proposed law provides that, notwithstanding anything to the contrary, civil service shall insert a question on all state employment applications which will ask the applicant if he has ever been fired or terminated from employment on the basis of a sexual harassment complaint that was filed against him while he was employed with his current or previous

employer. Proposed law provides that, as it relates to an applicant who has a history of being an alleged offender in sexual harassment complaints at his previous employment, the Dept. of State Civil Service shall develop policies and procedures which will assist state agencies in doing all of the following:

- (1) Determining if the historical evidence indicates that applicant is reasonably likely in the future to put state employees at risk for sexual harassment.
- (2) Determining if the applicant should be hired in a supervisory capacity.
- (3) Determining if the applicant should be barred from employment at the state agency.

Proposed law provides that, each public official, whether elected or appointed, of each state agency and each employee of that agency shall complete a minimum of one hour of education and training on recognizing and preventing sexual harassment each year of the term of his public employment or term of office. Proposed law provides that all newly appointed public officials or newly hired employees shall complete the required one hour of educational training within the first 30 days of hiring. All newly elected officials shall complete the required one hour training on sexual harassment within the first 90 days after taking office.

Proposed law provides that each appointed head of a department of the executive branch shall be required to complete an additional one hour education and training on sexual harassment prevention during each year of his public employment or term of office.

Proposed law provides that the civil service will compile and produce training materials, a video or digital teaching, or other educational information designed to prevent sexual harassment to be used for training public officials and state employees.

Proposed law provides that the education and training requirements provided for in proposed law may be completed through any one of the following methods:

- (1) In person, through the agency, with training or educational materials provided for by civil service.
- (2) By the internet, compact disk, or other training or educational materials provided for by civil service.
- (3) In person through the Comprehensive Public Training Program maintained by the Department of State Civil Service.

Proposed law provides that the civil service shall develop and make available to each state agency a remedial training curriculum for persons who is subject to disciplinary action as provided for in proposed law.

Proposed law provides that each agency shall designate at least one person to be the sexual harassment prevention coordinator, who will provide all public officials and employees of that agency with information and instruction related to recognizing and preventing sexual harassment in the work place, utilizing education and training materials made available by civil service. Proposed law provides that the sexual harassment prevention coordinator will complete a minimum of two hours of education and training regarding sexual harassment prevention in the workplace annually. Proposed law provides that the name and contact information of the sexual harassment prevention coordinator must be posted for easy access by employees of the agency. Proposed law provides that each agency will forward the name of the sexual harassment prevention coordinator to division of administration no later than July 1st of each year and any change of the coordinator within 30 days of the change in the name or contact information of the coordinator.

Proposed law provides that each agency's sexual harassment prevention coordinator shall keep records of each public official or employee's compliance with the sexual harassment prevention education and training requirements of proposed law. Proposed law provides that, if the agency's head or the sexual harassment prevention coordinator discovers that a public official or employee has failed to complete the annual training required by proposed law after the public official or the employee has been notified of the failure, the agency shall report the failure to complete training to the legislative auditor.

Proposed law provides that the commissioner of the division of administration shall promulgate a sexual harassment prevention handbook which is consistent with the public policy enacted by proposed law. Proposed law also provides that the sexual harassment prevention handbook will include all of the following:

- (1) The clear and concise public policy that the state is committed to workplace decency and will not tolerate, condone, or permit any kind of sexual harassment of any state employee or applicant for state employment.
- (2) Provide the legal definition of sexual harassment as provided in proposed law.
- (3) The prohibition against retaliation.
- (4) To whom the policy is applicable.
- (5) Sample explanations of behavior, as cited by the U.S. Equal Opportunity Commission or other authoritative legal sources, which are examples of unwanted sexual conduct.
- (6) Define violations for prohibited conduct in a sexual harassment investigation including failing to cooperate with a sexual harassment investigation, interfering with the investigative process, and filing a false report of sexual harassment.
- (7) Sexual harassment prevention training requirements, as provided in proposed law.
- (8) A complaint procedure including the place in which to access the form to file a written complaint if the employee is a victim of sexual harassment in violation of proposed law.
- (9) To whom a written complaint may be filed.
- (10) What details may be necessary to facilitate an investigation.
- (11) Appropriate response of the supervisor or agency head.
- (12) Description of the process to keep information obtained pursuant to the investigation confidential.
- (13) Description of the investigation process, including the initial investigative process, the interview process, and notice of final recommendations.
- (14) Complaint resolution, including potential corrective actions and additional measures that may be taken upon completion of the investigative process.
- (15) Follow-up procedures implemented to ensure non-recurrence and compliance with the provisions of this proposed law.
- (16) Explanation of what constitutes good faith and bad faith complaints.
- (17) The process, and corrective action, for false or bad faith complaints.

(18) Apprise employees of applicable federal and state law and the right to file suit.

Proposed law provides that the division of administration will transmit a copy of the sexual harassment prevention handbook to the head of each agency, by either electronic means or hard copy. Proposed law provides that, upon receiving the transmitted copy of the sexual harassment prevention handbook, the agency shall add the following information to the handbook indicating the name and contact information of the sexual harassment prevention coordinator, for the agency, who will coordinate and facilitate the complaint process. Proposed law provides that the agency shall distribute the agency's sexual harassment prevention handbook to each employee, either by electronic means or hard copy.

Proposed law provides that the commissioner of administration shall promulgate, in accordance with the provisions of the Administrative Procedures Act, such rules as may be necessary in order to implement proposed law.

Effective upon signature of the governor or lapse of time for gubernatorial action.

(R.S. 42:1281 - 1293)