

2018 Regular Session

SENATE BILL NO. 447

BY SENATOR BARROW

PUBLIC EMPLOYEES. Requires annual sexual harassment training for all public servants.
(gov sig)

1 AN ACT

2 To enact Chapter 16 of Title 42 of the Louisiana Revised Statutes of 1950, to be comprised

3 of R.S. 42:1251 through 1253, relative to mandatory training for public servants; to

4 require annual sexual harassment training for public servants; to require the

5 Department of State Civil Service to develop and approve required training program;

6 to require additional training for supervisors; to require agency heads to designate

7 an Employee Relations Designee; to provide for the responsibility of the Employee

8 Relations Designee; to require each agency to maintain compliance records on

9 required training; to provide minimum components for sexual harassment policies

10 of agencies; to provide for an effective date; and to provide for related matters.

11 Be it enacted by the Legislature of Louisiana:

12 Section 1. Chapter 16 of Title 42 of the Louisiana Revised Statutes of 1950, to be
13 comprised of R.S. 42:1251 through 1253, is hereby enacted to read as follows:

14 **CHAPTER 16. MANDATORY TRAINING FOR PUBLIC SERVANTS**

15 **§1251. Sexual harassment education; mandatory requirements; sexual**
16 **harassment designee**

17 **A. Each public servant, including statewide elected officials, legislators,**

1 and public service commissioners, shall receive a minimum of one hour of
2 education and training on sexual harassment during each year of his term of his
3 public employment or term of office, as the case may be. All newly hired public
4 servants shall receive the required one hour of education training on sexual
5 harassment within the first thirty days of hiring. All newly elected officials shall
6 receive the required one hour of education training on sexual harassment within
7 the first ninety days after taking the oath of office.

8 B.(1) Each agency head shall designate at least one employee to be the
9 Employee Relations Designee, who shall:

10 (a) Provide all public servants of that agency information and instruction
11 relative to sexual harassment, utilizing education and training materials made
12 available by Civil Service.

13 (b) Coordinate and facilitate the agency's complaint process.

14 (2)(a) Civil Service shall make available to an Employee Relations
15 Designee access to the education and training materials to be utilized in
16 instructing public servants for compliance with the Chapter.

17 (b) Only education and training materials made available through Civil
18 Service shall be considered in determining a public servant's compliance with
19 this Chapter.

20 (3) Each agency head shall ensure that each public servant in the agency
21 is notified of the current name and contact information of each designee and
22 that the current name and contact information of each designee is posted and
23 maintained in a convenient and conspicuous manner which makes the
24 information easily accessible to each public servant in the agency. The agency
25 head shall also submit the name and contact information of each designee to
26 Civil Service no later than July first of each year and shall notify Civil Service
27 within thirty days of any change in the name or contact information of a
28 designee.

29 C.(1) The education and training required pursuant to Subsection A of

1 this Section and Subparagraph (2)(a) of this Subsection may be received by the
2 public servant either in person or via the internet.

3 (2)(a) Beginning in calendar year 2019, each public servant who
4 supervises one or more subordinate employees shall be required to receive an
5 additional one hour of education and training on sexual harassment during each
6 year of his public employment or term of office, as the case may be. The
7 additional hour of training may be received in person or via the internet.

8 (b) Civil Service shall develop education and training materials designed
9 specifically for management personnel that are to be utilized for the purposes
10 of Subparagraph (a) of this Paragraph, no later than January 1, 2019. Civil
11 Service may also approve materials for such purpose that are developed outside
12 of Civil Service but have the desired content.

13 D. Each agency shall keep records of compliance with the requirements
14 of this Section by each public servant. If an agency discovers that a public
15 servant has failed to complete the training required by this Section, the agency
16 shall impose the appropriate corrective action as determined by that agency.

17 §1252. Required policy; sexual harassment

18 Each agency head shall adopt a policy on sexual harassment consistent
19 with the policy on sexual harassment adopted by the commissioner of
20 administration. The policy shall, at a minimum, contain provisions that:

21 (1) Provide a general policy statement that prohibits inappropriate
22 behavior and guarantees nonreprisal and nonretaliation.

23 (2) Indicate to whom the policy is applicable.

24 (3) Describe the behavior the agency defines as prohibited conduct,
25 including examples.

26 (4) Designate an employee relations designee who will coordinate and
27 facilitate the complaint process.

28 (5) Indicate training components, including but not limited to new hire
29 training, annual training, and supervisor training, as well as the training for

1 complaint investigators.

2 (6) Describe a complaint procedure, including but not limited to who
3 may make a complaint, to whom a complaint may be made, the method by
4 which a complaint may be lodged, and what details may be necessary to
5 facilitate an investigation.

6 (7) Indicate management's response to ensure confidentiality, to the
7 extent possible.

8 (8) Support complaint resolution, including potential corrective actions
9 and additional measures.

10 (9) Indicate the implications of good faith and bad faith complaints,
11 including a nonretaliation statement.

12 (10) Apprise employees of applicable federal and state law and the right
13 to file a lawsuit.

14 (11) Define violations for certain behaviors, including but not limited to
15 failing to cooperate, failing to report behavior, or impeding the process.

16 §1253. Definitions

17 For purposes of this Chapter, the following terms shall have the
18 following meanings:

19 (1) "Agency" shall mean "agency" as defined in R.S. 42:1102(2).

20 (2) "Agency head" shall mean "agency head" as defined in R.S.
21 42:1102(3).

22 (3) "Civil Service" shall mean the Department of State Civil Service.

23 (4) "Designee" shall mean an Employee Relations Designee designated
24 pursuant to R.S. 42:1251(B)(1).

25 (5) "Elected official" shall mean "elected official" as defined in R.S.
26 42:1102(9).

27 (6) "Public employee" shall mean "public employee" as defined in R.S.
28 42:1102(18).

29 (7) "Public Servant" shall mean "public servant" as defined in R.S.

1 **42:1102(19).**

2 Section 2. This Act shall become effective upon signature by the governor or, if not
3 signed by the governor, upon expiration of the time for bills to become law without signature
4 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If
5 vetoed by the governor and subsequently approved by the legislature, this Act shall become
6 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 Dawn Romero Watson.

DIGEST

SB 447 Engrossed

2018 Regular Session

Barrow

Proposed law requires each public employee and elected official to receive at least one hour of sexual harassment training annually. Requires training for new hires to be taken within the first 30 days of employment and for newly elected officials to be taken within the first 90 days of office.

Proposed law requires each agency head to designate at least one employee to be the Employee Relations Designee (ERD). Provides that the ERD shall both:

- (1) Provide public employees and elected officials of that agency training relative to sexual harassment in the workplace. Requires ERD to utilize education and training materials made available by the Department of State Civil Service (Civil Service).
- (2) Coordinate and facilitate the agency's complaint process.

Present law requires Civil Service to institute, develop, conduct, maintain, and otherwise provide for continuing programs of in-service training and education. Provides for a policy board with membership across state government to advise Civil Service on programming. Requires programming to include components for supervisory, administrative and managerial employees and officials as well as nonsupervisory employees.

Proposed law requires Civil Service to make available to an ERD access to the education and training materials for the required sexual harassment training. Provides that only education and training materials made available through Civil Service will be considered in determining an employee or official's compliance with proposed law.

Proposed law allows public employees and elected officials to receive the required training either in person or via the internet.

Proposed law provides that each agency head shall ensure that each public servant in that agency is notified of the current name and contact information of each ERD and that the current name and contact information of each ERD is posted and maintained in a convenient and conspicuous manner. Requires the agency head to submit the name and contact information of each ERD to Civil Service no later than July first of each year and to notify Civil Service within 30 days of any change in the name or contact information of an ERD.

Proposed law provides that beginning in calendar year 2019, each public employee or elected official who supervises one or more subordinate employees shall be required to receive an additional one hour of education and training on sexual harassment annually.

Proposed law requires Civil Service to develop education and training materials designed specifically for management personnel no later than January 1, 2019. Civil Service may also approve materials for such purpose that are developed outside of Civil Service but have the desired content.

Proposed law requires each agency to keep records of their employees and elected officials' compliance with the training requirements. Provides that if an agency discovers that an employee or elected official failed to complete the required training, the state agency shall impose the appropriate corrective action.

Proposed law requires each agency head to adopt a policy on sexual harassment in the workplace consistent with the policy on sexual harassment adopted by the commissioner of administration. Provides the minimum components of the policy, including a description of prohibited behavior, contact information for agency's ERD, training requirements, complaint and investigation process, prohibition on reprisal or retaliation, confidentiality, due process, etc.

Proposed law provides for definitions.

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

(Adds R.S. 42:1251-1253)