

GREEN SHEET REDIGEST

HB 524

2018 Regular Session

Carpenter

(KEYWORD, SUMMARY, AND DIGEST as amended by Senate committee amendments)

PUBLIC OFFLS/EMPS: Requires policies prohibiting sexual harassment and annual training on preventing sexual harassment.

DIGEST

Proposed law requires each agency head to develop, adopt and implement a policy to prevent sexual harassment which is applicable to all public servants in the agency. Requires the policy at a minimum to contain: (1) a clear statement defining sexual harassment; (2) examples to illustrate the type of conduct that is prohibited; (3) a clear statement that sexual harassment will not be tolerated; (4) an effective complaint or grievance procedure; and (5) a clear prohibition against retaliation.

Proposed law specifies that remedies for violations include a written reprimand. Provides that for serious violations the agency may terminate an employee or report attending to the district attorney or other appropriate authority. Provides that for an appointed or elected official other than a legislator, agencies shall send a report to the legislature of conduct considered to be malfeasance or gross misconduct while in office and report the same information to the district attorney or other authorities as appropriate.

Proposed law requires each public servant to receive a minimum of one hour of education and training on preventing sexual harassment during each full calendar year of his public employment or term of office either in person or via the internet through training and education materials approved for this purpose by the Louisiana Department of State Civil Service pursuant to the law regarding civil service's in-service training for state employees. Requires each agency head to ensure that each public servant in the agency is notified of the agency's policy and the mandatory training requirement and provides that the agency head, or his designee, shall be responsible for maintaining records of the compliance of each public servant in the agency with the mandatory training requirement. Provides that each public servant's record of training compliance shall be a public record and available to the public in accordance with present law (Public Records Law). Further requires each agency head to ensure that its policy against sexual harassment and its complaint procedure is prominently posted on its website or, if the agency does not have a website, that a notice on how to obtain the information is posted in a conspicuous location in each of the agency's offices.

Proposed law further requires each agency head to compile an annual report due no later than Feb. first of each year, containing information from the previous calendar year regarding his agency's compliance with the requirements of proposed law including:

- (1) The number and percentage of public servants in his agency who have completed the training requirements.
- (2) The number of sexual harassment complaints received by his agency.
- (3) The amount of time it took to resolve each complaint.

Proposed law specifies that these reports are public records and available to the public in the manner provided by present law (Public Records Law). Requires that the report not include any information revealing the identity of the complainant or the respondent. Further provides that any files or records that reveal the identity of the complainant or the respondent and all information pertaining to the complaint and the investigation shall not be public record.

Proposed law requires agency heads in the executive branch of state government to submit the report to the division of administration, agency heads in the legislative branch of state

government to the Legislative Budgetary Control Council, and agency heads in the judicial branch of state government to the chief justice of the supreme court by Feb. 15th each year.

Proposed law defines "agency", "agency head", "complainant", "elected official", "governmental entity", "public employee", "public servant", "respondent" and "sexual harassment" for its purposes.

Proposed law requires the Dept. of State Civil Service to develop and make available education and training materials, at no cost, to assist agency heads and public servants in complying with the requirements of proposed law.

Proposed law specifies that the first reports required shall be due in Feb. of 2020.

Effective Jan. 1, 2019, however requires each agency head to take all actions necessary to bring his agency in compliance with proposed law requirements regarding the policy and training as soon as possible.

(Adds R.S. 42:341-345)

Summary of Amendments Adopted by House

The Committee Amendments Proposed by House Committee on House and Governmental Affairs to the original bill:

1. Make technical changes.

The House Floor Amendments to the engrossed bill:

1. Add requirement that the Dept. of State Civil Service develop and make available education and training materials at no cost to assist agency heads and public servants in complying with the requirements of proposed law.

Summary of Amendments Adopted by Senate

Committee Amendments Proposed by Senate Committee on Senate and Governmental Affairs to the reengrossed bill

1. Adds definitions for "complainant", "respondent" and "sexual harassment".
2. Includes written materials of a sexual nature in the definition of sexual harassment.
3. Adds that the agency's policy shall include examples of the type of conduct encompassed by the policy.
4. Authorizes an agency head to require additional training of its public servants.
5. Authorizes an agency head to have a policy that provides consequences for public servants who do not timely complete the mandatory training.
6. Adds provisions regarding confidentiality of complaint and investigation.
7. Adds provisions for minimum complaint or grievance procedure.
8. Adds remedies for serious or repeat violations.
9. Provides for reports to the legislature of malfeasance or gross misconduct while in office of an elected or appointed official.