

2022 Regular Session

HOUSE BILL NO. 143

BY REPRESENTATIVE BUTLER

STATE AGENCIES: Provides for development and implementation by state agencies of policies, training, and reporting relative to compliance with requirements of the Americans with Disabilities Act

1 AN ACT

2 To amend and reenact R.S. 46:2592 and to enact R.S. 46:2594 through 2597, relative to state
3 agency compliance with the Americans with Disabilities Act; to provide for
4 mandatory agency policies, training, plans, and reporting related to the Americans
5 with Disabilities Act; to provide for an effective date; and to provide for related
6 matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. R.S. 46:2592 is hereby amended and reenacted and R.S. 46:2594 through
9 2597 are hereby enacted to read as follows:

10 §2592. Definitions

11 For purposes of this Chapter, the following terms have the meaning ascribed
12 to them in this Section:

13 (1) "Agency" means a department, office, division, agency, commission,
14 board, committee, or other organizational unit of state government.

15 (2) "Americans with Disabilities Act agency coordinator" means an
16 individual designated to ensure Americans with Disabilities Act compliance for his
17 assigned agency.

18 (~~†~~) (3) "Americans with Disabilities Act" and "ADA" mean means the
19 Americans with Disabilities Act of 1990, as amended, 42 U.S.C. 12101 et seq.

1 the essential functions of the job, providing equal opportunity to access the benefits
2 and privileges of employment, ensuring effective communication, and providing
3 equal opportunity to access the agency's programs, services, activities, and facilities.

4 (2) It shall provide for designating an Americans with Disabilities Act
5 agency coordinator.

6 (3) It shall include a general description of the accommodation request
7 process and indicate to whom such requests should be addressed if not to the
8 Americans with Disabilities Act agency coordinator.

9 (4) It shall provide for documentation of the interactive process, including:
10 accommodation requested and discussed, any other equally effective
11 accommodations identified, business reasons for decisions made, and actions taken
12 on the accommodation request.

13 (5) It shall specify an effective grievance process for prompt resolution of
14 complaints regarding disposition of accommodation requests or alleging any action
15 prohibited by the Americans with Disabilities Act.

16 (6) It shall include a clear prohibition against harassment, discrimination, or
17 retaliation against an individual related to exercising or aiding in the exercise of
18 Americans with Disabilities Act rights or for having a relationship or association
19 with another individual with a known disability.

20 §2595. Mandatory training requirements

21 A.(1) An agency head shall require all supervisors in his agency to receive
22 a minimum of one hour of education and training on the Americans with Disabilities
23 Act within ninety days of hire or appointment to a supervisory position and every
24 three years thereafter.

25 (2) An agency head shall require Americans with Disabilities Act agency
26 coordinators in his agency to receive a minimum of one hour of education and
27 training on the Americans with Disabilities Act within ninety days of hire or
28 appointment to the role of Americans with Disabilities Act agency coordinator and
29 every three years thereafter.

1 B. The education and training required by this Section may be received in
2 person or via the internet through training and education materials approved by the
3 public servant's agency head.

4 C. Each agency head shall ensure that each public servant in the agency is
5 notified of the agency's Americans with Disabilities Act policy. Additionally, each
6 agency head shall ensure that each supervisor and Americans with Disabilities Act
7 agency coordinator are notified of the mandatory training requirement. The agency
8 head shall maintain records of compliance with the mandatory training requirement
9 by each supervisor and Americans with Disabilities Act agency coordinator. Each
10 supervisor's and Americans with Disabilities Act agency coordinator's record of
11 compliance shall be a public record and available to the public in accordance with
12 the Public Records Law.

13 D. Each agency head shall ensure that its Americans with Disabilities Act
14 policy and complaint procedures are prominently posted on its publicly accessible
15 website. If the agency does not have a website, a notice providing instruction on
16 how to obtain these documents shall be posted in a conspicuous location in each of
17 the agency's offices.

18 §2596. Mandatory reports for Americans with Disabilities Act

19 A. Each agency head shall compile an annual report containing information
20 from the previous calendar year regarding his agency's compliance with the
21 requirements of this Chapter. The report shall include: the number and percentage
22 of supervisors and Americans with Disabilities Act agency coordinators,
23 respectively, in his agency who have completed the training requirements; the
24 number of accommodation requests received by his agency; the number, nature, and
25 cost of accommodation requests granted; the number of accommodation requests
26 denied; and the amount of time required to resolve each request from date of receipt
27 to the date the individual was notified in writing of the final determination of the
28 request. The report shall also include the number of Americans with Disabilities
29 Act-related charges of discrimination filed with the U.S. Equal Employment

1 Opportunity Commission, Louisiana Commission on Human Rights, and the U.S.
2 Department of Justice and civil actions filed in state or federal court. The data
3 provided shall be used for tracking purposes only and must not include personally
4 identifying information such as the requestor's name or references to confidential
5 medical conditions or impairments. These reports shall be a public record and
6 available to the public in accordance with the Public Records Law.

7 B. An agency head shall submit the report required by Subsection A of this
8 Section by February first of each year, with the initial report being due by
9 February 1, 2024, for the 2023 calendar year, as follows:

10 (1) Agency heads in the twenty departments of the executive branch of state
11 government, the office of the governor, and the office of lieutenant governor shall
12 submit the report to the office of the state Americans with Disabilities Act
13 coordinator.

14 (2) Agency heads in the legislative branch of state government shall submit
15 the report to the Legislative Budgetary Control Council.

16 (3) Agency heads in the judicial branch of state government, including the
17 supreme court, courts of appeal, district courts, and other courts authorized by
18 Article V of the Constitution of Louisiana, shall submit the report to the chief justice
19 of the supreme court.

20 §2597. State as a model employer

21 Agency heads that report to the governor shall:

22 (1) Ensure that all employees, at the time of employment and every five
23 years thereafter, complete a voluntary self-identification of disability form for
24 effective data collection and analysis of the percentage of individuals with
25 disabilities employed by the agency. The form shall only request disclosure
26 regarding whether an employee has a disability, without reference to or identification
27 of the actual impairment, disability, or medical condition. The completed form shall
28 be filed in a confidential folder separate from the employee's personnel file.

1 (2) Prepare and submit an agency plan, by December first of each year, to
 2 the office that includes the strategies and goals for the upcoming year and the
 3 progress and outcomes for the current year, related to employment of individuals
 4 with disabilities. The agency plan shall be formatted in the manner prescribed by the
 5 office and include a comparison of the percentage of individuals with disabilities
 6 employed by his agency from the previous to current year based on data from the
 7 self-identification process outlined in Paragraph (1) of this Section.

8 Section 2. This Act shall become effective upon signature by the governor or, if not
 9 signed by the governor, upon expiration of the time for bills to become law without signature
 10 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If
 11 vetoed by the governor and subsequently approved by the legislature, this Act shall become
 12 effective on the day following such approval.

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

HB 143 Original

2022 Regular Session

Butler

Abstract: Provides for development and implementation by state agencies of policies, training, and reporting relative to the Americans with Disabilities Act (ADA).

Proposed law requires each state agency head to develop and implement a policy to ensure ADA compliance applicable to all public servants of the agency, applicants for employment and members of the general public who seek or receive services or benefits from the agency. Further provides for the content and requirements of such policy.

Proposed law provides that each agency head shall require all supervisors and ADA coordinators to receive education and training on the ADA within 90 days of hire or appointment and every three years after. Further provides that the agency head shall be responsible for maintaining records of compliance with the mandatory training requirement. Each supervisor's and coordinator's record of compliance is a public record.

Proposed law requires each agency head to compile an annual report containing information from the previous calendar year, with the initial report being submitted by Feb. 1, 2024, regarding his agency's compliance with the requirements of proposed law. Further provides for the content of such report and to whom such report shall be submitted.

Proposed law requires each agency head to report the percentage of individuals with disabilities employed by his agency for data collection and analysis purposes and to prepare a plan regarding employment of persons with disabilities.

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

(Amends R.S. 46:2592; Adds R.S. 46:2594–2597)