

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

**EMPLOYMENT. Provides with respect to employment discrimination and human rights**

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DIGEST

Present law prohibits genetic discrimination in the workplace, which includes the discharge of an employee, the failure to hire an applicant, or the discrimination against an employee because of protected genetic information.

Present law provides exceptions to the nondiscrimination requirements which include the use of information to assess whether further medical evaluation is needed, in cases where the genetic condition could prevent the applicant or employee from performing essential job functions, or for therapeutic purposes.

Present law permits the monitoring of the effects of certain toxic substances in the workplace if the employee authorizes it, is notified when the results are available, and if the monitoring conforms to genetic monitoring regulations as promulgated by the executive director of the La. Workforce Commission.

Proposed law changes the person in charge of promulgating regulations for genetic monitoring from the executive director of the La. Workforce Commission to the chairman of the La. Commission on Human Rights.

Present law (R.S. 51:2231) provides that the state of La. intends to execute the policies embodied in the federal Civil Rights Act and the Age Discrimination in Employment Act to ensure the state has appropriate legislation to prohibit discrimination.

Present law provides that discrimination is prohibited in public accommodations sufficient to justify the deferral of cases by the federal Equal Employment Opportunity Commission, the executive director of the La. Workforce Commission, and the Dept. of Justice pursuant to discrimination statutes.

Proposed law removes the executive director of the La. Workforce Commission.

Present law provides for safeguards from employment discrimination for all individuals because of race, creed, color, religion, sex, age, disability, or national origin.

Proposed law retains present law but also refers to present law (Chapter 3-A of Title 23 of the La. Revised Statutes(L.R.S.) of 1950) which is the employment discrimination statutes, and changes other citations to refer to proposed law (R.S. 23:2256) and to the discrimination statutes in Title 23 of the L.R.S. of 1950.

Present law (R.S. 23:2256) provides that it is unlawful to retaliate or discriminate against someone because he has opposed a discriminatory practice according to present law.

Proposed law retains present law and adds the employment discrimination chapter of present law (Title 23 of the L.R.S. of 1950).

Present law (Chapter 3-A of Title 23 of the L.R.S. of 1950) prohibits discrimination in employment including discrimination for age, sex, disability, race, color, religion, national origin, pregnancy, childbirth, other health conditions, sickle cell trait, and genetic discrimination.

Present law provides that the following shall not be considered disabilities: homosexuality, bisexuality, transvestism, transexualism, pedophilia, exhibitionism, voyeurism, gender

identity disorders not resulting from physical impairments, or other sexual behavior disorders, compulsive gambling, kleptomania, pyromania, psychoactive substance use disorders resulting from current illegal use of drugs, or use of alcohol which adversely affects job performance or conduct. Proposed law adds "narcotic use" to the list of behaviors which are not considered disabling.

Proposed law further requires that public contracts not include the non-disabling categories or behaviors as a protected class in any discrimination or non-discrimination section of a public contract, unless to do so would violate federal law or a federal executive order.

(Amends R.S. 23:368(E)(3)(c), R.S. 51:2231(A) and (C), 2232(11)(b) and (12) and 2256)

#### Summary of Amendments Adopted by Senate

##### Committee Amendments Proposed by Senate Committee on Labor and Industrial Relations to the engrossed bill

1. Adds race, creed, color, religion, sex, age, disability, or national origin as categories for which discrimination is prohibited.
2. Prohibits public contracts from including non-disabling categories as protected classes for purposes of discrimination or non-discrimination clauses.
3. Adds "narcotic use" to the list of non-disabling categories of behaviors which are not included as a protected class for purposes of discrimination or non-discrimination.