
HOUSE COMMITTEE AMENDMENTS

2015 Regular Session

Amendments proposed by House Committee on Labor and Industrial Relations to Original House Bill No. 182 by Representative Cox

AMENDMENT NO. 1

On page 1, line 2, change "R.S. 23:332(H)(3)" to "R.S. 23:332"

AMENDMENT NO. 2

On page 1, line 8, change "R.S. 23:332(H)(3)" to "R.S. 23:332"

AMENDMENT NO. 3

On page 1, delete lines 12 through 19, and on page 2, delete lines 1 through 4, and insert in lieu thereof the following:

"§332. Intentional discrimination in employment

A. It shall be unlawful discrimination in employment for an employer to engage in any of the following practices:

(1) Intentionally fail or refuse to hire or to discharge any individual, or otherwise to intentionally discriminate against any individual with respect to compensation, or terms, conditions, or privileges of employment, because of the individual's race, color, religion,, or national origin.

(2) Intentionally limit, segregate, or classify employees or applicants for employment in any way which would deprive or tend to deprive any individual of employment opportunities, or otherwise adversely affect the individual's status as an employee, because of the individual's race, color, religion, ~~sex~~ gender, or national origin.(3) Intentionally pay wages to an employee at a rate less than that of another employee of the opposite ~~sex~~ gender for equal work on jobs in which their performance requires equal skill, effort, and responsibility and which are performed under similar working conditions. An employer paying wages in violation of this Section may not reduce the wages of any other employee in order to comply with this Section.B. It shall be unlawful discrimination in employment for an employment agency to intentionally fail or refuse to refer for employment, or otherwise to intentionally discriminate against, any individual because of his race, color, religion, ~~sex~~ gender, or national origin, or to intentionally classify or refer for employment any individual on the basis of his race, color, religion, ~~sex~~ gender, or national origin.

C. It shall be unlawful discrimination in employment for a labor organization to engage in any of the following practices:

(1) Intentionally exclude or intentionally expel from its membership, or otherwise intentionally discriminate against, any individual because of his race, color, religion, ~~sex~~ gender, or national origin.(2) Intentionally limit, segregate, or classify its membership or applicants for membership, or intentionally classify or fail or refuse to refer for employment any individual in any way which would deprive or tend to deprive any individual of employment opportunities, or would limit such employment opportunities, or otherwise adversely affect his status as an employee or as an applicant for employment, because of such individual's race, color, religion, ~~sex~~ gender, or national origin.

(3) Intentionally cause or attempt to cause an employer to discriminate against an individual in violation of this Section.

D. It shall be unlawful discrimination in employment for any employer, labor organization, or joint labor-management committee controlling apprenticeship or

1 other training or retraining, including on-the-job training programs, to discriminate
 2 against any individual because of his race, color, religion, ~~sex~~ gender, or national
 3 origin in admission to, or employment in, any program established to provide
 4 apprenticeship or other training.

5 E. It shall be unlawful discrimination in employment for an employer,
 6 employment agency, labor organization, or joint labor-management committee
 7 controlling apprenticeship or other training or retraining, including on-the-job
 8 training programs, to print or publish, or cause to be printed or published, any notice
 9 or advertisement relating to employment by an employer or membership in or any
 10 classification or referral for employment by a labor organization, or relating to any
 11 classification or referral for employment by an employment agency, or relating to
 12 admission to, or employment in, any program established to provide apprenticeship
 13 or other training by a joint labor-management committee, indicating any preference,
 14 limitation, specification, or discrimination based on race, color, religion, ~~sex~~ gender,
 15 or national origin. However, a notice or advertisement may indicate a preference,
 16 limitation, specification, or discrimination based on religion, ~~sex~~ gender, or national
 17 origin when religion, ~~sex~~ gender, or national origin is a bona fide occupational
 18 qualification for employment.

19 F. It shall be unlawful discrimination in employment for an insurer to engage
 20 in any of the following practices:

21 (1) Intentionally fail or refuse to appoint or to discharge any insurance agent,
 22 or otherwise to intentionally discriminate against any insurance agent with respect
 23 to his compensation, terms, conditions, or privileges of employment, because of the
 24 insurance agent's race, color, religion, ~~sex~~ gender, or national origin.

25 (2) Intentionally limit, segregate, or classify his insurance agents or
 26 applicants for an insurance agent in any way which would deprive or tend to deprive
 27 any insurance agent or applicant of employment opportunities, or otherwise
 28 adversely affect his status as an insurance agent or applicant because of the insurance
 29 agent's or applicant's race, color, religion, ~~sex~~ gender, or national origin.

30 G. Nothing contained in this Section shall be construed so as to create a
 31 cause of action against an employer, employment agency, labor organization, or
 32 insurer for employment practices pursuant to any affirmative action plan.

33 H. Notwithstanding any other provision of this Section, it shall not be
 34 unlawful discrimination in employment for:

35 (1) An employer to hire and employ employees, for an employment agency
 36 to classify or refer for employment any individual, for a labor organization to
 37 classify its membership or to classify or refer for employment any individual, or for
 38 an employer, labor organization, or joint labor-management committee controlling
 39 apprenticeship or other training or retraining programs to admit or employ any
 40 individual in any such program on the basis of his religion, ~~sex~~ gender, or national
 41 origin in those certain instances where religion, ~~sex~~ gender, or national origin is a
 42 bona fide occupational qualification reasonably necessary for the normal operation
 43 of that particular business or enterprise.

44 (2) A school, college, university, or other educational institution or
 45 institution of learning to hire and employ employees of a particular religion if such
 46 school, college, university, or other educational institution or institution of learning
 47 is, in whole or in substantial part, owned, supported, controlled, or managed by a
 48 particular religion or by a particular religious corporation, association, or society, or
 49 if the curriculum of the school, college, university, or other educational institution
 50 or institution of learning is directed toward the propagation of a particular religion.

51 (3) An employer to apply different standards of compensation or different
 52 terms, conditions, or privileges of employment pursuant to a bona fide seniority or
 53 merit system, or a system which measures earnings by quantity or quality of
 54 production, or any other differential based on any bona fide factor other than ~~sex~~
 55 gender that is consistent with a business necessity, or to employees who work in
 56 different locations, provided that such differences are not the result of an intention
 57 to discriminate because of race, color, religion, ~~sex~~ gender, or national origin.

58 (4) An employer to give and to act upon the results of any professionally
 59 developed ability test, provided that such test, its administration, or action upon the

1 results is not designed, intended, or used to discriminate because of race, color,
2 religion, ~~sex~~ gender, or national origin.
3 * * *

4 AMENDMENT NO. 4

5 On page 2, line 14, delete "sex" and insert "gender"

6 AMENDMENT NO. 5

7 On page 3, line 2, delete "sex" and insert "gender"

8 AMENDMENT NO. 6

9 On page 3, line 4, delete "sex" and insert "gender"

10 AMENDMENT NO. 7

11 On page 3, line 15, delete "sex" and insert "gender"

12 AMENDMENT NO. 8

13 On page 5, delete lines 21 through 24 in their entirety and insert in lieu thereof the following:

14 "C. In cases where suit is filed in the district court, no monetary relief may
15 be awarded the employee for losses incurred between the date that the district court
16 rendered its final judgment and the date upon which all appeals of that judgment
17 have been exhausted."

18 AMENDMENT NO. 9

19 On page 5, at the beginning of line 25, insert "D."

20 AMENDMENT NO. 10

21 On page 5, at the beginning of line 27, delete "D." and insert "E."

22 AMENDMENT NO. 11

23 On page 6, line 1, delete "E." and insert "F.(1)"

24 AMENDMENT NO. 12

25 On page 6, between lines 4 and 5, insert the following:

26 "(2) A claim shall be deemed frivolous if the employee brought the suit in
27 bad faith and knew or should have known that there exists no pay differential or that
28 any existing pay differential is based on a factor other than one that is
29 discriminatory."

30 AMENDMENT NO. 13

31 On page 6, line 19, change "sex" to "gender"

32 AMENDMENT NO. 14

33 On page 6, line 25, delete "sex" and insert "gender"

1 AMENDMENT NO. 15

2 On page 6, after line 26, insert the following:

3 "Section 2. The provisions of this Act shall be given prospective application only and
4 shall not apply to any pay differential or suit arising from any alleged discrimination that
5 took place before the effective date of this Act."