
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 524 Original

2018 Regular Session

Carpenter

Abstract: Requires each agency head in state and local government to develop and institute a policy to prevent sexual harassment which is applicable to all public servants in the agency, requires every public servant to receive a minimum of one hour of training to prevent sexual harassment each year, and requires annual reports.

Proposed law requires each agency head to develop and institute 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 that unwelcome conduct of a sexual nature constitutes sexual harassment under specified circumstances and shall not be tolerated; (2) an effective complaint or grievance process that includes taking immediate and appropriate action when a complaint is received; and (3) a clear prohibition against retaliation against an individual for filing a complaint or participating in any way in an investigation or other proceeding involving a complaint.

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 the training and education materials approved by the public servant's agency head. 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 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 the number and percentage of public servants in his agency who have completed the training requirements, the number of sexual harassment complaints received by his agency, and the amount of time it took to resolve each complaint. Specifies that these reports are public records and available to the public in the manner provided by present law (Public Records Law). Further 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", "elected official", "governmental entity", "public employee", and "public servant" for its purposes.

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

Effective January 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. 42:341-344)