
SENATE COMMITTEE AMENDMENTS

2018 Regular Session

Amendments proposed by Senate Committee on Senate and Governmental Affairs to Reengrossed House Bill No. 524 by Representative Carpenter

1 AMENDMENT NO. 1

2 On page 1, after line 18, insert the following:

3 "(3) "Complainant" means the public servant who initiates the
4 complaint."

5 AMENDMENT NO. 2

6 On page 2, at the beginning of line 1, change "(3)" to "(4)"

7 AMENDMENT NO. 3

8 On page 2, at the beginning of line 4, change "(4)" to "(5)"

9 AMENDMENT NO. 4

10 On page 2, at the beginning of line 5, change "(5)" to "(6)"

11 AMENDMENT NO. 5

12 On page 2, at the beginning of line 11, change "(6)" to "(7)"

13 AMENDMENT NO. 6

14 On page 2, between lines 11 and 12, insert the following:

15 "(8) "Respondent" means the person alleged to have violated the
16 agency's policy prohibiting sexual harassment and retaliation.

17 (9) "Sexual harassment" means unwelcome conduct of a sexual nature
18 that is sufficiently persistent or offensive to unreasonable interfere with an
19 employee's job performance or to create an intimidating, hostile, or offensive
20 working environment. "Sexual harassment" shall include as "unwelcome
21 conduct of a sexual nature" requests for sexual favors and other written,
22 verbal, or physical conduct of a sexual nature when:

23 (a) Submission to the conduct in made either explicitly or implicitly
24 a term or condition of a individual's employment.

25 (b) Submission to or rejection of the conduct by an individual is used
26 as the basis for employment decisions affecting the individual.

27 (c) The conduct has the purpose or effect of unreasonably interfering
28 with an individual's work performance, or creating an intimidating, hostile,
29 or offensive work environment."

30 AMENDMENT NO. 7

31 On page 2, line 13, after "develop" delete the remainder of the line and insert a comma "₂"
32 and insert "adopt, and implement a policy to prevent sexual"

33 AMENDMENT NO. 8

34 On page 2, delete lines 16 through 21, and insert the following:

35 "(1) A statement defining sexual harassment as provided in R.S.
36 42:341(9).

1 (2) Examples to illustrate the type of conduct that sexual harassment
2 pursuant to the policy shall encompass. Conduct prohibited shall specifically
3 include:

4 (a) Physical assaults of a sexual nature, such as rape, sexual battery,
5 molestations or attempts to commit the assaults and intentional physical
6 contact that is sexual in nature, such as touching, pinching, patting, grabbing,
7 brushing against an employee's body, or poking an employee's body.

8 (b) Unwelcome sexual advances, propositions, or other sexual
9 comments, such as sexually oriented gestures, noises, remarks, jokes, or
10 comments about a person's sexuality or sexual experiences.

11 (c) Preferential treatment or promises of preferential treatment to an
12 employee for submitting to sexual conduct, including soliciting or attempting
13 to solicit any employee or engage in sexual activity for compensation or
14 reward.

15 (d) Subjecting, or threats of subjecting, an employee to unwelcome
16 sexual attention or conduct or intentionally making performance of the
17 employee's job more difficult because of that employee's sex.

18 (e) Sexual displays or publications anywhere in the workplace.

19 (3) A clear statement that sexual harassment shall not be tolerated."

20 AMENDMENT NO. 9

21 On page 2, at the beginning of line 22, change "(2)" to "(4)" and change "process" to
22 "procedure"

23 AMENDMENT NO. 10

24 On page 2, at the end of line 24, after "received." insert the following:

25 "At a minimum, the agency's complaint or grievance procedure shall include:

26 (a) Time deadlines associated with each step of the process.

27 (b) A statement that sexual harassment inquiries, complaints, and
28 investigations shall be confidential to the extent possible, revealed only on
29 a need-to-know basis.

30 (c) An opportunity for the respondent to respond to allegations
31 contained in a complaint on a complaint that the agency decided merits
32 further investigation.

33 (d) A statement regarding possible remedies and discipline for a
34 finding of a violation of the agency's policy. It shall include that the
35 mandatory minimum disciplinary action for a finding of a violation of the
36 policy by a public servant shall be a written reprimand in the public servant's
37 permanent personnel file with the agency. For a serious violation or for
38 repeat violations, the agency's options for disciplinary action shall include:

39 (i) For a public employee, termination from employment and
40 reporting of finding to the district attorney or other authorities, as
41 appropriate.

42 (ii) For an appointed or elected official who is not a legislator,
43 reporting of findings to the Legislature as conduct considered to be
44 malfeasance or gross misconduct while in office as provided in the Louisiana
45 Constitution Article X, Section 24, and reporting to the district attorney or
46 other authorities, as appropriate."

47 AMENDMENT NO. 11

48 On page 2, at the beginning of line 25, change "(3)" to "(5)"

49 AMENDMENT NO. 12

50 On page 3, at the beginning of line 5, after "B." insert "(1)"

1 AMENDMENT NO. 13

2 On page 3, line 7, after "approved" delete the remainder of the line and insert "for this
3 purpose by the Louisiana Department of State Civil Service pursuant to Chapter 17 of this
4 Title."

5 AMENDMENT NO. 14

6 On page 3, between lines 7 and 8, insert the following:

7 "(2) Nothing in this Chapter shall prohibit an agency head from
8 requiring that the public servants employed by or elected or appoint to his
9 agency receive training additional to that required by Subsection A of this
10 Section,

11 (3) An agency head may institute a policy that provides consequences
12 for public servants employed by or elected or appointed to his agency who
13 do not timely complete the mandatory training."

14 AMENDMENT NO. 15

15 On page 3, at the beginning of line 20, after "A." insert "(1)(a)"

16 AMENDMENT NO. 16

17 On page 3, line 22, after "including" delete the remainder of the line and delete lines 23
18 through 25 and insert a colon ":" and insert the following:

19 "(i) The number and percentage of public servants in his agency who
20 have completed the training requirements.

21 (ii) The number of sexual harassment complaints received by his
22 agency.

23 (iii) The amount of time taken to resolve each complaint.

24 (b) Regarding Items (a)(ii) and (a)(iii) of this Paragraph, the report
25 shall not include any information revealing the identity of the complainant
26 or the respondent.

27 (2) The reports required by Subparagraph (A)(1)(a) of this Section
28 shall be"

29 AMENDMENT NO. 17

30 On page 3, between lines 27 and 28, insert the following:

31 "(3) Any files or records that reveal the identity of the complainant
32 or the respondent and all information pertaining to the complaint and the
33 investigation shall not be public record."

34 AMENDMENT NO. 18

35 On page 3, line 29, change "Subsection A" to "Subparagraph (A)(1)(a)"