

GREEN SHEET REDIGEST

HB 524

2018 Regular Session

Carpenter

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

**PUBLIC OFFLS/EMPS: Requires policies prohibiting sexual harassment and annual training on preventing sexual harassment**

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DIGEST

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 sexual advances, requests for sexual favors, and other verbal, physical, or other inappropriate conduct of a sexual nature constitute sexual harassment when the conduct has certain effects and such conduct will not be tolerated;
- (2) A description of the behavior the agency defines as inappropriate conduct, including examples;
- (3) An effective complaint or grievance procedure that includes taking immediate and appropriate action and identifies who may make a complaint and to whom a complaint may be made;
- (4) A clear prohibition against retaliation for filing a complaint, or testifying, or participating in any way in an investigation; and
- (5) A statement apprising public servants of applicable federal and state law on sexual harassment.

Proposed law requires that each agency head ensure that its policy 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 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. Provides that an agency head may require supervisors in his agency receive additional education and training. Provides that the education and training may be received either in person or via the internet through training and education materials approved by the agency head.

Proposed law 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. Provides that the agency head, or his designee, shall be responsible for maintaining records of the compliance. Provides that each public servant's record of compliance shall be a public record and available in accordance with present law (Public Records Law).

Proposed law further requires each agency head to compile an annual report due no later than Feb. 1st of each year, containing information from the previous calendar year regarding his agency's compliance with the requirements of proposed law including:

- (1) The number and percentage of public servants in his agency who have completed the training requirements.
- (2) The number of sexual harassment complaints received by his agency.

(3) The amount of time it took to resolve each complaint.

Proposed law specifies that these reports are public records and available to the public in the manner provided by present law (Public Records Law).

Proposed law 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 requires the Dept. of State Civil Service to develop and make available education and training materials, at no cost, to assist agency heads and public servants in complying with the requirements of proposed law.

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 Jan. 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. 42:341-345)

#### Summary of Amendments Adopted by House

##### The Committee Amendments Proposed by House Committee on House and Governmental Affairs to the original bill:

1. Make technical changes.

##### The House Floor Amendments to the engrossed bill:

1. Add requirement that the Dept. of State Civil Service develop and make available education and training materials at no cost to assist agency heads and public servants in complying with the requirements of proposed law.

#### Summary of Amendments Adopted by Senate

##### Committee Amendments Adopted by Senate Committee on Senate and Governmental Affairs to the reengrossed bill on April 5, 2018

1. Adds definitions for "complainant", "respondent", and "sexual harassment".
2. Includes written materials of a sexual nature in the definition of sexual harassment.
3. Adds that the agency's policy shall include examples of the type of conduct encompassed by the policy.
4. Authorizes an agency head to require additional training of its public servants.
5. Authorizes an agency head to have a policy that provides consequences for public servants who do not timely complete the mandatory training.
6. Adds provisions regarding confidentiality of complaint and investigation.
7. Adds provisions for minimum complaint or grievance procedure.

8. Adds remedies for serious or repeat violations.
9. Provides for reports to the legislature of malfeasance or gross misconduct while in office of an elected or appointed official.

Committee Amendments Proposed by Senate Committee on Senate and Governmental Affairs to the reengrossed bill

1. Deletes Senate Committee Amendments adopted on April 5, 2018.
2. Adds other inappropriate conduct to verbal and physical conduct prohibited in proposed law.
3. Adds requirements that an agency's policy: (a) include a description of the behavior the agency defines as inappropriate conduct; (b) detail who may make a complaint and to whom a complaint may be made; and (c) apprise public servants of applicable federal and state law.
4. Adds authority for an agency head to require additional education and training for supervisors.