



- (3) Resolution of complaints.
- (4) The right of the complainant to pursue a claim under state or federal law, regardless of the outcome of the investigation.
- (5) In the event a lawsuit is filed under state or federal law, and the state is cast in judgment or enters into a settlement of the litigation, the state, through the attorney general, shall by civil suit seek restitution from the sexual harasser of the amounts paid by the state to the complainant, the costs and reasonable attorney fees incurred by the state in the litigation, and all costs and reasonable attorney fees incurred by the attorney general in the civil suit seeking restitution.

Proposed law provides that if, after an investigation is conducted in accordance with the agency policy and completed, it is determined that sexual harassment did occur, the agency head shall determine the discipline to be taken against the individual who was found to have committed sexual harassment. Proposed law further provides that for public servants in the classified civil service of the state, the discipline shall be in accordance with the rules and regulations of the Louisiana civil service system. For unclassified public employees, the discipline shall be in accordance with the policies of the employing agency. For non-legislative elected officials, the discipline shall be in accordance with state law. For legislative elected officials, the discipline shall be in accordance with the Rules of Order of the Senate, or the Rules of the House of Representatives, as applicable.

Proposed law provides that if, after an investigation is conducted and completed, it is determined that sexual harassment did not occur, the agency head shall determine the discipline to be taken against the complainant, if any.

Proposed law provides that if a lawsuit is filed against the state by the complainant, the agency head or the human resources department of the agency shall immediately notify the alleged sexual harasser of the claim, and advise the alleged sexual harasser of the possibility that such individual may be required to reimburse the state the amount of any judgement, settlement, costs of litigation, and attorneys fees paid by the state and the costs and attorney fees in connection with any litigation for recovery, and the right of that individual to intervene in any mediation, hearing, or civil action brought with respect to the claim.

Proposed law is not to be construed to limit the authority of the individual or individuals who are alleged to have personally committed an act of sexual harassment to retain counsel to protect the interests of the individual at any point during any of the procedures provided under proposed law.

Proposed law provides that notwithstanding any law to the contrary, in the event that litigation is filed due to a claim of sexual harassment and the state is cast in judgment or settles the litigation, the state, through the attorney general, shall by civil suit seek to recover from the sexual harasser the amounts paid by the state to the complainant, the costs and reasonable attorney fees incurred by the state in the sexual harassment litigation, and all costs and reasonable attorney fees incurred by the attorney general in the civil suit seeking recovery.

Proposed law provides that notwithstanding any law to the contrary, the state, the agency, and the sexual harasser shall not be deemed to be solidary obligors.

Proposed law provides that the commissioner of administration shall prepare a notice to be furnished to each agency head for annual dissemination to each public servant advising them of their potential liability if they are determined by an agency head or a court of competent jurisdiction to have committed sexual harassment. Requires that this notice be disseminated to any newly elected, appointed, or employed public servant.

Proposed law provides that any settlement executed in connection with a claim filed pursuant to proposed law is a public record, with the exception of the name of the victim of the sexual harassment.

Proposed law prohibits a state agency from entering into a nondisclosure agreement with any person to settle a claim that the person was the victim of sexual harassment by an elected official, public employee, or public servant, either prior to the filing of a lawsuit by that person or at any time after a lawsuit is filed.

Effective August 1, 2019.

(Amends R.S. 44:4.1(B)(28); adds R.S. 42:351-357)