
DIGEST

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Schroder

HB No. 108

Abstract: Prohibits reprisals against public employees for providing information to a legislator or legislative committee upon request of a legislator or legislative committee.

Proposed law (ethics code) provides that a public employee who provides information to a legislator or legislative committee at the request of a legislator or legislative committee shall be free from discipline or reprisal or threats of discipline or reprisal by the public employer. Specifies that "information" shall not include information that the public employee knows or reasonably should know is false at the time the employee provided the information. Defines "request of a legislator or legislative committee" as a request from a legislator or legislative committee made in writing or during a public meeting.

Proposed law prohibits an employee who has the authority to hire, fire, or discipline employees, a supervisor, an agency head, or an elected official from subjecting a public employee to reprisal for such disclosure of information.

Proposed law requires that a public employee report to the Board of Ethics any such act of reprisal. Provides that an employee who is wrongfully suspended, demoted, or dismissed shall be entitled to reinstatement of his employment and entitled to receive any lost income and benefits for the period of any suspension, demotion, or dismissal.

Proposed law requires the board to provide written notice of the commencement of an investigation of a report of a violation of proposed law to the agency head of the employee, or if the agency head is the subject of the investigation, then to the agency head of the governmental entity that supervises the agency, or if none, then to the governing authority of the governmental entity, not less than 10 days prior to the date set for the investigation. Requires the board to provide written notice that it will offer a consent opinion or of a hearing, if one is to be held, to the agency head of the employee, or if the agency head is the subject of the consent opinion or hearing, then to the agency head of the governmental entity that supervises the agency, or if none, then to the governing authority of the governmental entity, not less than 60 days prior to the date set for the hearing. Requires the employee's agency to cooperate in every possible manner in connection with any investigation or hearing conducted by the board. Provides that the employee's agency shall be considered to be an indispensable party to any investigation or hearing and that such agency may have legal counsel, cross-examine witnesses, call witnesses, and present evidence on its behalf.

Present law provides that violations of present law (ethics code) are punishable by a fine of up to

\$10,000. Also provides that an elected official may be censured and that a public employee may be removed, suspended, demoted, or have his pay reduced. Proposed law makes penalties and provisions in present law (ethics code) applicable to proposed law. Proposed law provides that any action or remedy ordered by the board pursuant to proposed law directed at a classified employee who has attained permanent status shall be subject to the approval of the appropriate civil service commission prior to implementation.

(Adds R.S. 42:1169.1)