

2018 Regular Session

SENATE BILL NO. 97

BY SENATOR MORRELL

CIVIL PROCEDURE. Extends the prescriptive period for instituting certain claims. (gov sig)

1 AN ACT

2 To amend and reenact R.S. 23:303(D) and R.S. 51:2257(A), relative to unlawful
3 employment practices and discrimination; to provide relative to certain procedures
4 and actions; to provide certain time periods; to provide relative to prescription and
5 suspension of certain time periods; to provide terms, requirements, and conditions;
6 and to provide for related matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. R.S. 23:303(D) is hereby amended and reenacted to read as follows:

9 §303. Civil suits authorized

10 * * *

11 D. Any cause of action provided in this Chapter shall be subject to a
12 prescriptive period of ~~one year~~ **two years**. However, this ~~one-year~~ **two-year** period
13 shall be suspended during the pendency of any administrative review or investigation
14 of the claim conducted by the federal Equal Employment Opportunity Commission
15 or the Louisiana Commission on Human Rights. No suspension authorized pursuant
16 to this Subsection of this ~~one-year~~ **two-year** prescriptive period shall last longer than
17 six months.

* * *

Section 2. R.S. 51:2257(A) is hereby amended and reenacted to read as follows:

§2257. Complaints of discrimination; procedure; conciliation agreements;
enforcement

A. An individual claiming to be aggrieved by an unlawful practice, a member of the commission, or the attorney general may file with the commission a written sworn complaint stating that an unlawful practice has been committed, setting forth the facts upon which the complaint is based, and setting forth facts sufficient to enable the commission to identify the persons charged, hereinafter referred to as the "respondent". The commission staff or a person designated pursuant to its rules shall promptly investigate the allegations of unlawful practice set forth in the complaint and shall within five days furnish the respondent with a copy of the complaint. The complaint shall be filed within ~~one hundred eighty days~~ **two years** after the alleged unlawful practice occurs.

* * *

Section 3. This Act shall become effective upon signature by the governor or, if not signed by the governor, upon expiration of the time for bills to become law without signature by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If vetoed by the governor and subsequently approved by the legislature, this Act shall become effective on the day following such approval.

The original instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by Xavier I. Alexander.

DIGEST

SB 97 Original

2018 Regular Session

Morrell

Present law relative to prohibited discrimination in employment provides that a plaintiff may file civil suit in a district court seeking damages against his employer, employment agency or labor organization. Further provides that a plaintiff will be held liable if the court determines he has brought a frivolous claim.

Present law further provides that such cause is subject to a prescriptive period of one year. Further provides that this one year period shall be suspended under certain circumstances.

Proposed law changes prescriptive period from one year to two years and retains remainder of present law.

Present law relative to the La. Commission on Human Rights provides procedures to file a claim by an individual who alleges certain unlawful practices.

Present law further provides that such complaint shall be filed within 180 days after the alleged unlawful practice occurs.

Proposed law changes the filing time from 180 days to two years, and retains the remainder of the present law.

Effective upon signature of governor or lapse of time for gubernatorial action.

(Amends R.S. 23:303(D) and R.S. 51:2257(A))