
SENATE COMMITTEE AMENDMENTS

2018 Regular Session

Amendments proposed by Senate Committee on Senate and Governmental Affairs to Original Senate Bill No. 404 by Senator Hewitt

1 AMENDMENT NO. 1

2 On page 1, line 3, change "1293" to 1294"

3 AMENDMENT NO. 2

4 On page 1, line 11, change "1293" to 1294" and change "are" to "is"

5 AMENDMENT NO. 3

6 On page 1, line 12, change "STATE EMPLOYEES" to "PUBLIC SERVANTS"

7 AMENDMENT NO. 4

8 On page 1, line 15, change "STATE" to "PUBLIC"

9 AMENDMENT NO. 5

10 On page 2, line 6, change "state employee" to "public servant"

11 AMENDMENT NO. 6

12 On page 2, line 9, delete "state employee" and insert "public servant" and change
13 "officials" to "official"

14 AMENDMENT NO. 7

15 On page 2, delete lines 11 through 14 and insert the following:

16 **"A. The public policy of Louisiana is that state and local governments**
17 **are committed to workplace decency and will not tolerate, condone, or permit**
18 **any kind of sexual harassment of any public servant or by any public servant**
19 **nor will retaliation against any victim of sexual harassment be permitted.**

20 **B. In furtherance of that public policy the state will do all of the**
21 **following:**

22 **(1) Encourage victims to report incidents of sexual harassment as soon**
23 **as possible.**

24 **(2) Immediately investigate all incidents of sexual harassment.**

25 **(3) Keep confidential all investigations in order to protect the identity**
26 **of the victim.**

27 **(4) Protect the victim from retaliation.**

28 **(5) Take corrective action against the offender in order to render justice**
29 **to the victim and prevent future incidents of sexual harassment."**

30 AMENDMENT NO. 8

31 On page 2, line 19, after "state" insert ", local government, or political subdivision"

32 AMENDMENT NO. 9

33 On page 2, line 20, change "employee" to "public servant"

1 AMENDMENT NO. 10

2 On page 2, line 22, change "**an employee**" to "**a public servant**"

3 AMENDMENT NO. 11

4 On page 2, line 26, after "**worker**" delete the rest of the line and insert "**who is a public**
5 **servant, whether a public employee or an elected official.**"

6 AMENDMENT NO. 12

7 On page 2, delete line 27

8 AMENDMENT NO. 13

9 On page 2, line 28, after "**(5)**" delete the rest of the line and insert the following:

10 **""Elected official" shall mean "elected official" as defined in R.S. 42:1102(9)."**

11 AMENDMENT NO. 14

12 On page 2, delete line 29

13 AMENDMENT NO. 15

14 On page 3, delete line 1

15 AMENDMENT NO. 16

16 On page 3, line 2, after "**(6) "Investigator" means**" delete the rest of the line and insert "**the**
17 **public servant who is designated by the agency to receive and investigate the sexual**
18 **harassment complaint.**"

19 AMENDMENT NO. 17

20 On page 3, delete lines 3 through 5

21 AMENDMENT NO. 18

22 On page 3, line 7, delete "**an**" and insert "**another public servant**"

23 AMENDMENT NO. 19

24 On page 3, line 8, delete "**employee**"

25 AMENDMENT NO. 20

26 On page 3, between lines 9 and 10, insert the following:

27 **"(8) Public employee" shall mean "public employee" as defined in R.S.**
28 **42:1102(18).**

29 **"(9) "Public servant" shall mean "public servant" as defined in R.S.**
30 **42:1102(19)."**

31 AMENDMENT NO. 21

32 On page 3, line 10, change "**(8)**" to "**(10)**" and change "**an employee**" to "**a public servant**"

33 AMENDMENT NO. 22

34 On page 3, line 15, change "**(9)**" to "**(11)**"

1 AMENDMENT NO. 23

2 On page 3, line 16, change "**an employee**" to "**a public servant**"

3 AMENDMENT NO. 24

4 On page 3, line 21, change "**employee**" to "**public servant**"

5 AMENDMENT NO. 25

6 On page 3, line 25, change "**(10)**" to "**(12)**"

7 AMENDMENT NO. 26

8 On page 4, line 1, change "**(11)**" to "**(13)**"

9 AMENDMENT NO. 27

10 On page 4, line 3, change "**employee**" to "**public servant**"

11 AMENDMENT NO. 28

12 On page 4, line 6, change "**employee**" to "**public servant**"

13 AMENDMENT NO. 29

14 On page 4, line 7, change "**(12)**" to "**(14)**"

15

16 AMENDMENT NO. 30

17 On page 4, line 10 delete "**A.**" and on line 11, change "**employee**" to "**public servant**"

18 AMENDMENT NO. 31

19 On page 4, line 13, change "**An employee**" to "**A public servant**"

20 AMENDMENT NO. 32

21 On page 4, line 16, change "**employee**" to "**public servant**" and after "**employed**" insert "**or**
22 **the sexual harassment prevention coordinator with the commissioner of**
23 **administration**"

24 AMENDMENT NO. 33

25 On page 4, line 20, delete "**for the agency**" and insert "**who received the complaint**
26 **pursuant to Paragraph (1) of this Subsection**" and change "**employee's**" to "**public**
27 **servant's**"

28 AMENDMENT NO. 34

29 On page 4, line 22, change "**employee**" to "**public servant**"

30 AMENDMENT NO. 35

31 On page 4, line 24, change "**employee's**" to "**public servant's**" and change "**employee**" to
32 "**public servant**"

33 AMENDMENT NO. 36

34 On page 5, line 1, change "**employee's**" to "**public servant's**"

1 AMENDMENT NO. 37

2 On page 5, line 3, change "employee's" to "public servant's"

3 AMENDMENT NO. 38

4 On page 5, line 4, change "employee" to "public servant"

5 AMENDMENT NO. 39

6 On page 5, line 8, change "employee" to "public servant"

7 AMENDMENT NO. 40

8 On page 5, line 10, change "employee" to "public servant"

9 AMENDMENT NO. 41

10 On page 5, between line 15 and 16, insert the following:

11 **"F. If requested by the public servant, the agency shall make every effort**
12 **to relocate the alleged victim or the offender or both pending the investigation."**

13 AMENDMENT NO. 42

14 On page 5, line 19, after "place," delete the rest of the line and insert "**the agency shall**
15 **impose appropriate corrective action as determined by the appointing authority."**

16 AMENDMENT NO. 43

17 On page 5, and delete line 20

18 AMENDMENT NO. 44

19 On page 5, delete lines 21 through 29, and insert the following:

20 **"B. In addition to the appropriate corrective action in Subsection A of**
21 **this Section, the offender shall take the remedial training as provided in R.S.**
22 **42:1290 to reform his conduct.**

23 **C. The agency shall document the sexual harassment misconduct in the**
24 **offender's employment file."**

25 AMENDMENT NO. 45

26 On page 6, delete line 1

27 AMENDMENT NO. 46

28 On page 6, line 7, change "an employee" to "a public servant" and change "employee's"
29 to "public servant's"

30 AMENDMENT NO. 47

31 On page 6, line 8, change "employee's" to "public servant's"

32 AMENDMENT NO. 48

33 On page 6, delete lines 11 though 21 and insert the following:

34 **"§1288. State employment applications for unclassified employees; prior**
35 **employment history of sexual harassment allegations**

1 **A. Notwithstanding anything to the contrary, each state agency shall**
2 **insert a question on all employment applications for unclassified employees**
3 **which will ask the applicant if he has ever been disciplined, fired, terminated,**
4 **or resigned to avoid dismissal from employment.**

5 **B. As it relates to an applicant for an unclassified position who has a**
6 **history of being an alleged offender in sexual harassment complaints in his**
7 **previous employment, the state agency shall develop policies and procedures**
8 **which will assist state agencies in doing all of the following:"**

9 AMENDMENT NO. 49

10 On page 6, line 23, change "state" to "unclassified"

11 AMENDMENT NO. 50

12 On page 7, delete lines 4 through 5, and insert the following:

13 **"A.(1) Every public servant shall complete a minimum of one"**

14 AMENDMENT NO. 51

15 On page 7, delete lines 13 through 16 and insert the following:

16 **"(2) Each public servant who is appointed to receive and investigate**
17 **complaints pursuant to R.S. 42:1285 shall be required to receive an additional**
18 **one hour of education and training on sexual harassment during each year of**
19 **his public employment or term of office, as the case may be."**

20 AMENDMENT NO. 52

21 On page 7, line 26, after "person" delete "through the Comprehensive Public Training
22 Program"

23 AMENDMENT NO. 53

24 On page 7, line 27, delete "maintained"

25 AMENDMENT NO. 54

26 On page 7, between lines 27 and 28, insert the following:

27 **"C. The Department of State Civil Service shall develop and make**
28 **available education and training materials at no cost to assist agency heads and**
29 **public servants in complying with the requirements of this Chapter."**

30 AMENDMENT NO. 55

31 On page 7, delete line 29, and insert the following:

32 **"Each agency shall require as remedial training that the offender meet**
33 **with the sexual harassment prevention coordinator for one hour and review, in**
34 **detail, the agency handbook provided for in R.S. 42:1292."**

35 AMENDMENT NO. 56

36 On page 8, delete lines 1 through 4

1 AMENDMENT NO. 57

2 On page 8, line 5, change "§1290" to "§1291"

3 AMENDMENT NO. 58

4 On page AMENDMENT NO. 59

5 On page 8, line 9, delete "**public officials and employees**" and insert "**public servants**"

6 AMENDMENT NO. 60

7 On page 8, line 15, delete "**public official and**" and insert "**public servant**"

8 AMENDMENT NO. 61

9 On page 8, line 16, delete "**employee**"

10 AMENDMENT NO. 62

11 On page 8, line 20, delete "**public official and employee**" and insert "**public servant**"

12 AMENDMENT NO. 63

13 On page 8, line 29, delete "**public official or employee**" and insert "**public servant**"

14 AMENDMENT NO. 64

15 On page 9, line 2, delete "**public official or employee**" and insert "**public servant**"

16 AMENDMENT NO. 65

17 On page 9, line 3, delete "**public official or the employee**" and insert "**public servant**"

18 AMENDMENT NO. 66

19 On page 9, line 14, change "**state employee**" to "**public servant**"

20 AMENDMENT NO. 67

21 On page 9, line 15, change "**state**" to "**public**"

22 AMENDMENT NO. 68

23 On page 10, line 1, change "**employee**" to "**public servant**"

24 AMENDMENT NO. 69

25 On page 10, line 18, change "**employees**" to "**public servants**"

26 AMENDMENT NO. 70

27 On page 11, line 1, change "**employee**" to "**public servant**"

28 AMENDMENT NO. 71

29 On page 11, line 3, change "**employee**" to "**public servant**"

1 AMENDMENT NO. 72

2 On page 11, between lines 8 and 9, insert the following:

3 **"§1294. Mandatory reports**

4 **A. Each agency head shall compile an annual report, by February first**
5 **of each year, containing information from the previous calendar year regarding**
6 **his agency's compliance with the requirements of this Chapter including the**
7 **number and percentage of public servants in his agency who have completed the**
8 **training requirements, the number of sexual harassment complaints received**
9 **by his agency, the number of sexual harassment complaints wherein a pay**
10 **discrepancy is found and the amount of time it took to resolve each complaint.**
11 **These reports shall be public record and available to the public in the manner**
12 **provided by the Public Records Law.**

13 **B. Agency heads in state government shall submit the reports required**
14 **by Subsection A of this Section by February fifteenth of each year as follows:**

15 **(1) Agency heads in the twenty principal departments of the executive**
16 **branch of state government, the office of the governor, and the office of**
17 **lieutenant governor shall submit the report to the division of administration.**

18 **(2) Agency heads in the legislative branch of state government shall**
19 **submit the report to the Legislative Budgetary Control Council.**

20 **(3) Agency heads in the judicial branch of state government, including**
21 **the supreme court, courts of appeal, district courts, and other courts authorized**
22 **by Article V of the Constitution of Louisiana, shall submit the report to the**
23 **chief justice of the supreme court."**

24 AMENDMENT NO. 73

25 On page 11, line 9, change "State" to "Public"

26 AMENDMENT NO. 74

27 On page 11, line 10, change "Employees" to "Servants"