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**SENATE FLOOR AMENDMENTS**

2018 Regular Session

Amendments proposed by Senator Hewitt to Engrossed Senate Bill No. 404 by Senator Hewitt

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1 AMENDMENT NO. 1

2 On page 2, line 20, after "**confidential**" delete the rest of the line and insert "**the identity of**"

3 AMENDMENT NO. 2

4 On page 4, line 24, delete "**employee**" and insert "**he**"

5 AMENDMENT NO. 3

6 On page 4, line 27, after "**employed or**" insert "**, if the public servant is employed by an**  
7 **agency within the executive branch of state government, the public servant may file the**  
8 **written complaint with the**"

9 AMENDMENT NO. 4

10 On page 5, line 27, after "**confidential**" insert "**during the pendency of the investigation**"

11 AMENDMENT NO. 5

12 On page 6, between lines 1 and 2, insert the following:

13 **"G. Except as provided in Subsection Hof this Section, the investigation**  
14 **file shall not be confidential and shall be subject to a public record request if**  
15 **any of the following takes place:**

16 **(1) A lawsuit is filed in court by the public servant alleging sexual**  
17 **harassment.**

18 **(2) A finding of sexual harassment is made by the agency.**

19 **(3) Public money is used by the agency to pay the complainant in order**  
20 **to settle or resolve the sexual harassment claim.**

21 **H. In order to protect the identity of the complainant and to encourage**  
22 **witnesses to come forward and participate in the investigation, any release of**  
23 **any public record by the agency which is authorized pursuant to Paragraph (2)**  
24 **and (3) of Subsection G shall first have the name or identity of the complainant**  
25 **and the name of each witness redacted.**

26 **I. Nothing herein is intended to restrain or restrict any public servant**  
27 **who has filed a complaint or is the alleged perpetrator of a complaint from**  
28 **exercising their rights, pursuant to the First Amendment of the Constitution of**  
29 **the United States of America, to disclose any information associated with or**  
30 **contained in the written complaint filed pursuant to this Chapter."**

31 AMENDMENT NO. 6

32 On page 6, line 14, after "**R.S. 42:1285.**" insert "**The written complaint form shall be**  
33 **posted on the division of administration's website in order that it be available for use**  
34 **by all agencies.**"

35 AMENDMENT NO. 7

36 On page 6, line 24, after "**unclassified employees**" insert "**that is consistent with the**  
37 **classified workforce application developed by State Civil Service**"

1 AMENDMENT NO. 8

2 On page 8, line 5, after "C." insert "**(1)**"

3 AMENDMENT NO. 9

4 On page 8, line 6, after "cost" insert "**, except as provided in Paragraph (2) of this**  
5 **Section,**"

6 AMENDMENT NO. 10

7 On page 8, between lines 7 and 8 insert the following:

8 **"(2) As required by Article VII, Section 14 of the Constitution of the**  
9 **state of Louisiana, the Department of Civil Service shall recoup the costs of**  
10 **copying or reproducing the training material on a compact disc and recoup the**  
11 **cost of mailing the disc to the agency, unless the agency is subject to the fees**  
12 **assessed for in-service training pursuant to R.S. 42:1262(A)."**

13 AMENDMENT NO. 11

14 On page 11, line 21, after "agency," insert "**the number of complaints which resulted in**  
15 **a finding that sexual harassment occurred, the number of complaints in which the**  
16 **finding of sexual harassment resulted in discipline or corrective action,**"