

SEXUAL HARASSMENT POLICY AND PROCEDURES

TITLE: 42 – as defined in Louisiana Revised Statute 42:342-344

§342. Mandatory policy prohibiting sexual harassment

A. Each agency head shall develop and institute a policy to prevent sexual harassment which is applicable to all public servants in the agency.

B. At a minimum, the policy shall contain all of the following:

(1) A clear statement that unwelcome sexual advances, requests for sexual favors, and other verbal, physical, or inappropriate conduct of a sexual nature constitute sexual harassment when the conduct explicitly or implicitly affects an individual's employment or the holding of office, unreasonably interferes with an individual's work performance, or creates an intimidating, hostile, or offensive work environment and shall not be tolerated.

(2) A description of the behavior the agency defines as inappropriate conduct, including examples.

(3) An effective complaint or grievance process that includes taking immediate and appropriate action when a complaint of sexual harassment involving any public servant in the agency is received. The complaint process shall detail who may make a complaint, to whom a complaint may be made, and shall provide for alternative designees to receive complaints. Actions taken on the complaint shall be documented.

(4) A general description of the investigation process, including requiring the alleged sexual harasser and the alleged victim to participate in the investigation.

(5) A clear prohibition against retaliation against an individual for filing a complaint or testifying or participating in any way in an investigation or other proceeding involving a complaint of sexual harassment.

(6) A general description of the possible disciplinary actions which may occur after the conclusion of the investigation, including the possible disciplinary actions that may be taken against a complainant if it is determined that a claim of sexual harassment was intentionally false.

(7) A statement apprising public servants of applicable federal and state law on sexual harassment, including the right of the complainant to pursue a claim under state or federal law, regardless of the outcome of the investigation.

Acts 2018, No. 270, §1, eff. January 1, 2019; Acts 2019, No. 413, §1, eff. Jan. 1, 2020.

§343. Preventing sexual harassment; mandatory training requirements

A.(1) Each public servant shall receive a minimum of one hour of education and training on preventing sexual harassment during each full calendar year of his public employment or term of office, as the case may be.

(2) An agency head shall require supervisors and any persons designated by the agency to accept or investigate a complaint of sexual harassment in his agency to receive additional education and training.

B. The education and training required pursuant to this Section may be received either in person or via the internet through training and education materials approved by the public servant's agency head.

C. Each agency head shall ensure that each public servant in the agency is notified of the agency's policy against sexual harassment and the mandatory training requirement on preventing sexual harassment. The agency head, or his designee, shall be responsible for maintaining records of the compliance of each public servant in the agency with the mandatory training requirement. Each public servant's record of compliance shall be a public record and available to the public in accordance with the Public Records Law.

D. Each agency head shall ensure that its policy against sexual harassment and its complaint procedure is prominently posted on its website or, if the agency does not have a website, that a notice on how to obtain the information is posted in a conspicuous location in each of the agency's offices.

Acts 2018, No. 270, §1, eff. January 1, 2019.

§344. Mandatory reports

A. Each agency head shall compile an annual report by February first of each year containing information from the previous calendar year regarding his agency's compliance with the requirements of this Chapter including the number and percentage of public servants in his agency who have completed the training requirements, the number of sexual harassment complaints received by his agency, the number of complaints which resulted in a finding that sexual harassment occurred, the number of complaints in which the finding of sexual harassment resulted in discipline or corrective action, and the amount of time it took to resolve each complaint. These reports shall be public record and available to the public in the manner provided by the Public Records Law.

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

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

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

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

C. The office of risk management, within the division of administration, shall submit an annual report to the speaker of the House of Representatives and the president of the Senate, related to the complaints of sexual harassment which are filed with the office for adjustment, as follows:

(1) The total number of sexual harassment cases filed with office of risk management.

(2) The number of cases which are settled and the total monetary amount paid in settlements.

(3) The number of cases for which a lawsuit is filed and the disposition of each case.

(4) The monetary amount paid for attorney fees, court costs, expert witness fees and any other litigation costs to defend each sexual harassment complaint.

Acts 2018, No. 270, §1, eff. January 1, 2019.

NOTE: First reports required pursuant to this Section due February 2020, see Acts 2018, No. 270, §2.