SLS 11RS-397 **ORIGINAL**

Regular Session, 2011

SENATE BILL NO. 211

BY SENATOR MORRELL

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

STATE EMPLOYEES. Prohibits discrimination in state employment based upon sexual identification. (8/15/11)

AN ACT

To amend and reenact the heading of Part IV of Chapter 3-A of Title 23 of the Louisiana Revised Statutes of 1950, and to enact R.S. 23:331, relative to employment discrimination; to provide additional protected classes; to provide for definitions; to allow for dress and appearance requirements; to provide with respect to discrimination by the state and state agencies; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. Part IV of Chapter 3-A of Title 23 of the Louisiana Revised Statutes of 1950, comprised of R.S. 23:332 is hereby amended and reenacted to read as follows:

PART IV. RACE, COLOR, RELIGION, SEX, **SEXUAL ORIENTATION, GENDER IDENTITY OR EXPRESSION, POLITICAL AFFILIATION,** AND NATIONAL ORIGIN

§33l. Prohibition of intentional discrimination or harassment

A. No state agency, department, office, commission, board, entity or officer of the state of Louisiana shall harass or discriminate in employment, including, but not limited to, hiring, promotion, tenure, recruitment, or compensation on the basis of race, color, religion, sex, sexual orientation, gender

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identity or expression, political affiliation, or national origin against any individual.

B. No state agency, department, office, commission, board, entity, or officer of the state of Louisiana shall harass or discriminate on the basis of race, color, religion, sex, sexual orientation, gender identity or expression, political affiliation, or national origin against any individual in the provision of any service or benefit by such agency, department, office, commission, board, entity, or officer of the state.

C. For the purposes of this Section, the following terms shall have the following meanings, unless the context clearly indicates otherwise:

(1) "Sexual orientation" means being or perceived as being heterosexual, homosexual, or bisexual.

(2) "Gender identity or expression" means having or being perceived as having a gender-related self-identity, appearance, or behavior, whether or not associated with a person's assigned sex at birth, and the expression thereof.

D. Each state agency, department, office, commission, board, entity or officer of the state of Louisiana or any political subdivision thereof is authorized and directed to cooperate in the implementation of the provisions of this Section.

E. Nothing in this Section shall be construed to prohibit any state agency, department, office, commission, board, or entity from establishing appropriate dress and appearance requirements for its employees, provided, however, that the state agency, department, office, commission, board, or entity shall allow any employee to appear and dress in a manner consistent with the employee's gender identity or expression.

Section 2. This Act shall become effective on August 15, 2011; if vetoed by the governor and subsequently approved by the legislature, the Act shall become effective on June 30, 2011, or the day following such approval by the legislature, whichever is later.

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The original instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by Mary Dozier O'Brien.

DIGEST

Present law provides with respect to employment discrimination or the basis of the following classes:

1. Race
2. Color
3. Religion
4. Sex
5. National Origin

Proposed law provides that no state agency, department, office, commission, board, entity or officer of the state shall discriminate or harass based upon the following suspect classes:

1. Race
2. Color
3. Religion
4. Sex
5. National origin
6. Sexual orientation
7. Gender identity or expression
8. Political affiliation

Proposed law provides that such discrimination or harassment shall apply to employment and in the provision of any service or benefit.

Proposed law defines the terms "sexual orientation" and "gender identity or expression".

Proposed law provides that nothing in proposed law shall be construed to infringe upon the power of a state agency, department, office, commission, board, entity, or officer of the state to establish appropriate dress and appearance requirements for its employees.

Effective August 15, 2011.

(Adds R.S. 23:331)

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