

Regular Session, 2013

HOUSE BILL NO. 402

BY REPRESENTATIVE SEABAUGH

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

EMPLOYMENT/DISCRIMINATN: Provides relative to employment discrimination

1 AN ACT

2 To enact R.S. 23:303(F), relative to prohibited discrimination in employment; to provide
3 with respect to civil suits; to provide for exceptions; and to provide for related
4 matters.

5 Be it enacted by the Legislature of Louisiana:

6 Section 1. R.S. 23:303(F) is hereby enacted to read as follows:

7 §303. Civil suits authorized; exceptions

8 * * *

9 F. Any action filed in district court or before the Louisiana Commission on
10 Human Rights against an employer for discrimination in employment for a practice
11 which is not specifically prohibited in R.S. 23:312, 323, 332, 342, 352, or 368 shall
12 be dismissed and shall be considered a frivolous claim subject to Subsection B of this
13 Section.

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

Seabaugh

HB No. 402

Abstract: Provides that suits filed for employment discrimination for any reason other than age, disability, race, color, religion, sex, national origin, pregnancy, childbirth and related medical conditions, sickle cell trait, and genetic discrimination shall be dismissed and considered frivolous.

Present law provides that a plaintiff who has a cause of action against his employer, employment agency, or labor organization for employment discrimination may file a suit in district court.

Present law (R.S. 23:303(B)) provides that if the plaintiff is found by a court to have brought a frivolous claim, he shall be liable for damages to the defendant.

Present law requires any plaintiff who believes he has been discriminated against to provide written notice to the employer, employment agency, or labor organization he believes has discriminated against him so that both parties can make a good-faith effort to resolve the dispute before initiating court action.

Present law provides a prescriptive period of one year, which shall be suspended during the pendency of any administrative review or investigation of the claim conducted by the federal Equal Employment Opportunity Commission or the La. Commission on Human Rights.

Present law (R.S. 23:312) prohibits discrimination in employment on the basis of age.

Present law (R.S. 23:323) prohibits discrimination in employment for individuals with disabilities.

Present law (R.S. 23:332) prohibits discrimination in employment on the basis of race, color, religion, sex, or national origin.

Present law (R.S. 23:342) prohibits discrimination in employment on the basis of pregnancy, childbirth, or related medical conditions.

Present law (R.S. 23:352) prohibits discrimination in employment for individuals who have sickle cell trait.

Present law (R.S. 23:368) prohibits discrimination in employment on the basis of protected genetic information.

Proposed law retains present law, and clarifies that any suit filed in district court, or with the La. Commission on Human Rights, against an employer for any employment discrimination practice for any reason other than those listed in present law shall be dismissed and considered frivolous.

(Adds R.S. 23:303(F))