

CHAPTER 7 – COMPLAINTS AND GRIEVANCES

7.1 Grievances

The Legislative Fiscal Office is committed to creating and maintaining a work environment in which all staff members of the Legislative Fiscal Office are treated with respect and the individual dignity that they are due. Further, each employee is to be treated fairly and equitably. Every effort shall be made to resolve issues professionally and through effective lines of communication. The grievance procedure shall be used for any claim, concern, or complaint by an employee who feels that he/she has been treated unfairly, inequitably or in a manner which is arbitrary, unjust or unreasonable; or there exists a condition, situation or circumstance which jeopardizes the health or safety of the employee or otherwise adversely affects the welfare or interest of the employee. Except as provided in Section 7.3 with regard to issues of sexual harassment, the following procedures provide methods to resolve concerns that are not settled through normal communications:

- (A) Informal Discussions. An employee shall attempt first to achieve a solution through informal discussions with the Staff Director. The Staff Director shall attempt to resolve the grievances. Throughout this procedure, the process is informal.
- (B) Formal Grievances. If an employee determines that the informal discussion did not resolve the issue satisfactorily, the employee may file a formal grievance in writing with the Legislative Fiscal Officer within fifteen (15) working days of the occurrence. The written grievance must set forth fully the problem as perceived and state the remedy requested. The Legislative Fiscal Officer will meet with the employee and the Staff Director to resolve the grievance within fifteen (15) working days of receipt of the grievance.

7.2 Discrimination and Harassment

- (A) The Legislative Fiscal Office is committed to creating and maintaining a work environment in which employees are free from discrimination and harassment based on race, sex, gender, religion, national origin, color, disability, ethnicity, genetic information, or age. To this end, such discrimination or harassment by or toward a Legislative Fiscal Office employee is prohibited and will not be tolerated.
- (B) "Discrimination" occurs when an action or decision regarding the employment of an individual is based upon race, sex, gender, religion, national origin, color, disability, or age.
- (C) "Harassment" includes, but is not limited to, a communication or action containing a comment, slur, joke, innuendo, cartoon, prank, request for favor or other verbal or physical conduct of a nature related to an

individual's race, sex, gender, religion, color, national origin, disability, ethnicity, genetic information or age.

7.3 Sexual Harassment

(A) The Legislative Fiscal Office is committed to creating and maintaining a work environment in which all employees are free from sexual harassment. Sexual harassment by or toward a staff member of the Legislative Fiscal Office is prohibited and will not be tolerated.

Equal Employment Opportunity Commission guidelines define sexual harassment as an unwelcome (1) sexual advance; (2) request for sexual favor; and (3) other verbal and physical contact of a sexual nature when either:

- (1) Submission to such conduct is made either explicitly or implicitly a term or condition of employment.
- (2) Submission to or rejection of such conduct is used as the basis of employment decisions affecting the individual.
- (3) Such conduct has the purpose or effect of interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment.

Specifically, the following is prohibited: 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 the individual's employment, unreasonably interferes with an individual's work performance, or creates an intimidating, hostile or offensive work environment.

Other inappropriate conduct includes, but is not limited to the following: comments about an individual's body; sexually degrading words to describe an individual; sexual propositions; making suggestive or insulting noises, intentionally touching, pinching or brushing the body; assault; and sexually suggestive books, magazines, photographs, cartoons, or pictures.

(B) Sexual harassment can occur in a variety of circumstances, including but not limited to the following:

- (1) The victim as well as the harasser may be a woman or a man. The victim does not have to be of the opposite sex.
- (2) The harasser can be the victim's supervisor, an agent of the employer, a supervisor in another area, a coworker, or a non-employee.

- (3) The victim does not have to be the person harassed but could be anyone affected by the offensive conduct.
- (C) Sexual harassment is a form of sex discrimination under federal law (Section 703 of Title VII of the Civil Rights Act of 1964, as amended).
- (D) Sexual harassment prevention is found in state law at the Louisiana Employment Discrimination Law (R.S. 23:301-303 and 332) and R.S. 42:341-345.
- (E) The Legislative Fiscal Office Sexual Harassment Policy shall be posted and available for review at all times on the office's website at <http://lfo.louisiana.gov>. Additionally, the Policy shall be posted prominently in a conspicuous location inside the office. Employees shall be informed of any changes made to the policy prior to formal adoption of such changes.

7.4 Complaint Procedure

(A) Complaints

- (1) A complaint of alleged discrimination or harassment should be filed with one of the following individuals: the Legislative Fiscal Officer, the Staff Director, a person within the fiscal office designated by the Fiscal Officer to accept complaints, or the Human Resource Director using the Employee Discrimination/Harassment Complaint Form, which is attached to this policy at the end of Chapter 7, available on the Legislative Fiscal Office website, or can be obtained from Human Resource Services. If not submitted at the same time as the complaint, the complainant should complete this form as soon as possible after making the initial complaint. The person accepting the complaint will immediately notify the Legislative Fiscal Officer in writing of the complaint (except as noted in 7.4(A)(3) below).
 - a. The Legislative Fiscal Officer shall designate one employee in the fiscal office to accept sexual harassment complaints and shall clearly identify this person on both the fiscal office website and in the conspicuous location inside the office as identified in 7.3(E) of this policy.
 - b. The Legislative Fiscal Officer shall ensure that of the three fiscal office employees designated to receive complaints, at least one male and one female shall be represented.
- (2) A complaint should be made within 30 days after last occurrence of alleged conduct. However, any investigation of the complaint may include inquiry into events occurring prior to the last complained conduct.

- (3) If the complaint is made against the Legislative Fiscal Officer, the person accepting the complaint shall instead immediately notify the Human Resource Director in writing of the complaint.

(B) Investigation

- (1) The Legislative Fiscal Officer shall take immediate and appropriate action to investigate the complaint, including interviewing appropriate persons, examining relevant records, and consulting with and utilizing any appropriate Legislative Fiscal Office staff. Further, at any point in the investigation of a complaint, the Legislative Fiscal Officer may make recommendations to the Staff Director to ensure that the alleged conduct does not continue.
- (2) All Legislative Fiscal Office employees shall cooperate in the investigation of a complaint.
- (3) Employees shall be subject to disciplinary action pursuant to the findings of the investigation if warranted.

(C) Written Report

- (1) Upon conclusion of the investigation, and within 30 days after the complaint is filed, the Legislative Fiscal Officer shall provide a written report of actions taken on the complaint and findings, including a determination as to whether discrimination or harassment has occurred (if such determination is possible) to the Staff Director. The Legislative Fiscal Officer and Staff Director will determine what action to take and will provide a written response to the complainant.
- (2) The Legislative Fiscal Officer shall provide copies of the written report to the complainant and the party against whom the complaint was made.

(D) Confidentiality

All complaints, information relating to complaints, and any investigation of complaints, shall be kept confidential except as may be necessary to investigate the complaint and to make decisions as a result of the complaint.

(E) Equal Employment Opportunity Commission

Each employee retains the right to file a complaint of discrimination with the Equal Employment Opportunity Commission.

7.5 False Statements Prohibited

Making an intentionally false statement in a grievance, complaint, or in any investigation of a grievance or complaint is prohibited.

7.6 Retaliation Prohibited

Retaliation or discrimination against an individual who files a grievance or complaint or who testifies or otherwise participates in an investigation or other proceeding is prohibited. Any employee who believes that he or she has been retaliated or discriminated against because of filing a grievance or complaint or testifying or otherwise participating in an investigation may file a grievance as provided in Section 7.1.

7.7 Mandatory Training

- (A) All employees shall complete the applicable mandatory training.
- (B) All employees shall complete a minimum of one hour of education and training on preventing sexual harassment during each calendar year of his or her public employment. Employees shall send the Legislative Fiscal Officer's Executive Assistant a copy of their certificate of completion of the training.
- (C) All supervisors and any employee designated by the Legislative Fiscal Officer to accept or investigate a complaint of sexual harassment shall receive additional education and training each calendar year.
- (D) All training certificates and records will be maintained by the Legislative Fiscal Officer's Executive Assistant on a calendar year basis. These training records shall be public record and available to the public in accordance with the Public Records Law.
- (E) Failure to complete the mandatory training requirements may result in disciplinary action.

7.8 Reporting

- (A) The Legislative Fiscal Officer will compile and submit an annual report to the Legislative Budgetary Control Council on February 15th of each year containing information from the previous calendar year. The report shall include:
 - (1) The number and percentage of employees who have completed the mandatory training requirements;

- (2) The number of sexual harassment complaints received;
 - (3) The number of complaints which resulted in a finding that sexual harassment occurred;
 - (4) The number of complaints in which the finding of sexual harassment resulted in discipline or corrective action; and
 - (5) The amount of time it took to resolve each complaint.
- (B) These reports shall be public record and available to the public in accordance with the Public Records Law.

7.9 Third Parties

(A) Application

- (1) This policy shall also apply to third party, non-employees. Third party, as referenced in this policy, shall mean lobbyists, newsmen, and persons who have business at the state capitol and at any work environment at which the business of the Legislative Fiscal Office is conducted.
- (2) Any individual or entity entering into a contractual arrangement with the Legislative Fiscal Office shall be required to accept the terms and conditions set forth in this Section 7.9 of the Legislative Fiscal Office's Policy and Procedures. Section 7.9 shall also be attached as an addendum to any such agreement.

(B) Sexual Harassment

- (1) Sexual harassment is a form of sex discrimination and strictly prohibited under the Equal Employment Opportunity Commission (Section 703 of Title VII of the Civil Rights Act of 1964, as amended). Sexual harassment prevention is found in the Louisiana Employment Discrimination Law (R.S. 23:301-303 and 332) and R.S. 42:341-345.
- (2) Sexual harassment is defined by the Equal Employment Opportunity Commission as: unwelcome sexual advances, requests for sexual favors, and other verbal, physical or inappropriate conduct of a sexual nature if: (a) submission to such conduct is an explicit or implicit term or condition of an individual's employment; (b) submission to or rejection of such conduct is a basis for employment decisions affecting such individual; or (c) the conduct has the purpose or effect of unreasonably interfering with an employee's work performance or creating an intimidating, hostile, or offensive work environment. An aggregation of a series of incidents can constitute sexual harassment even if one of the incidents considered on its own would not be harassing.
- (3) This policy establishes a procedure to administratively report and address complaints of discrimination and harassment. It is not intended

to replace or supersede the statutory or regulatory rights regarding discrimination and harassment available under federal and state law. Specific timelines and requisites of law apply to filing a complaint with the Equal Employment Opportunity Commission (EEOC) or the Louisiana Commission on Human Rights (LCHR).

- (4) Sexual harassment may include a range of behaviors and may involve individuals of the same or different gender. Sexual harassment of any third party by an employee, legislator, or other third party with whom the third party may have contact as part of his work environment at which the business of the Legislative Fiscal Office is conducted is prohibited. Sexual harassment does not require the intent to offend. All third parties should know of their responsibilities and protection under this policy.
 - (5) Each third party is obligated to conduct himself in a manner which will ensure that others who work in the Legislative Fiscal Office environment are able to work free from sexual harassment. Each third party must exercise his own good judgment to avoid engaging in conduct that may be perceived by others as sexual harassment.
 - (6) Actions that are inappropriate and may meet the definition of sexual harassment or contribute to a hostile work environment, include but are not limited to, the following:
 - a. Sexual pranks, or repeated sexual teasing, jokes, gestures or innuendo;
 - b. Lewd comments about an individual's body;
 - c. Sexually degrading words to describe an individual;
 - d. Touching or grabbing of a sexual nature;
 - e. Talking about ones' sexual activity in front of others;
 - f. Inappropriate unwelcome conduct of a sexual nature such as: cornering, repeatedly standing too close to or brushing up against another's body, or leaning into or over a person;
 - g. Giving gifts or leaving objects that are sexually suggestive;
 - h. Posting, making, or displaying pornographic, sexually demeaning, or sexually explicit material in the workplace;
 - i. Pressure for unnecessary personal interaction;
 - j. Off-duty, unwelcome conduct of a sexual nature that affects the work environment;
 - k. Making sexual statements in person, in writing, or electronically such as e-mail, instant messaging, text messaging, blogs, web pages, social media, etc.
- (C) False Statements Prohibited: Making an intentionally false statement in a complaint or in any investigation of a complaint is prohibited and will subject the person who makes the false statement to the consequences described in this policy.

(D) This Third Party Harassment Policy shall be posted on the Legislative Fiscal Office's website. Third parties shall be informed of changes made to the policy by periodically visiting the joint Legislative website.

(E) Reporting Harassment

(1) Reporting: If a third party believes that he has been sexually harassed or has witnessed an act of sexual harassment, he should immediately report the incident to the Legislative Fiscal Officer or the Senate Human Resource Director as the situation dictates. An investigation shall be conducted pursuant to the provisions of this policy and procedure manual. The Legislative Fiscal Officer or Human Resource Director shall immediately initiate an investigation into the complaint.

(2) Confidentiality: Any complaint and information resulting from a sexual harassment investigation will be kept in the strictest confidence, only informing those persons, as the situation dictates, who need to know to affect the earliest resolution.

(F) Enforcement, Investigation, and Resolution of Complaints. A complaint of sexual harassment shall be immediately investigated by the Legislative Fiscal Officer or the Senate Human Resource Director. A third party shall cooperate in the investigation of any complaint involving the third party as a complainer, accused, or witness. The investigation shall be completed within fifteen (15) working days of filing and the findings of the investigation shall be submitted to the Legislative Fiscal Officer for action. Final disposition of the complaint shall occur within thirty (30) working days of filing the complaint. Depending upon the circumstances, the harasser shall be subject to disciplinary action as determined by the Legislative Fiscal Officer or by recommendation of the Senate Human Resource Director as the case dictates. In the case of a harasser being employed by an individual or entity in a contractual relationship with the Legislative Fiscal Office, notification will be sent to the appropriate signature authority and mutually agreeable steps shall be taken to provide remediation. The Legislative Fiscal Office may terminate any such contract with a third party found in violation of these provisions.

(G) Retaliation

(1) A third party shall report harassment or sexual harassment without fear of retaliation. There shall be no retaliation against any third party who, acting in good faith, files a complaint, cooperates with an investigation of a complaint, or seeks guidance on compliance concerns or questions.

(2) Retaliation is any action, statement, or behavior that is designed to punish a third party for filing a complaint, cooperating with an investigation of a complaint, seeking guidance regarding a compliance concern or to deter a third party from taking such action.

- (3) Acts of retaliation shall be reported immediately to the Legislative Fiscal Officer or the Senate Human Resource Director. An investigation will be conducted in accordance with the policies and procedures of the Legislative Fiscal Office.
- (4) If the retaliation complaint is against the Legislative Fiscal Officer, the complaint should be forwarded to the Senate Human Resource Director. The Senate Human Resource Director shall immediately initiate an investigation into the complaint pursuant to the provisions of the policy and procedure manual of the Legislative Fiscal Office.

(H) Education and Training.

- (1) A third party shall be responsible for properly educating himself on preventing sexual harassment and his duties and responsibilities under this policy. All third parties are encouraged to complete a minimum of one hour of education and training on preventing sexual harassment during each calendar year of his interaction with the Legislative Fiscal Office.
- (2) The Legislative Fiscal Office may provide a web link to the third party upon request providing access to the State Civil Service training module on "Preventing Sexual Harassment" to facilitate the third party educating himself and/or his employees.



Christopher A. Keaton
Legislative Fiscal Officer

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TO: The Legislative Budgetary Control Council

FROM: Christopher A. Keaton, Legislative Fiscal Officer

DATE: February 15, 20XX

SUBJECT: Act 270 Annual Report

In accordance with LA R.S. 42:341 et. seq. (Act 270 of the 2018 Regular Session), please accept this report of the Legislative Fiscal Office for the calendar year 2019.

The number of employees who have completed the required training.	17
The percentage of employees who have completed the required training.	100%
The number of sexual harassment complaints received.	0
The number of complaints, which resulted in a finding that sexual harassment occurred.	0
The number of complaints in which the finding of sexual harassment resulted in disciplinary or corrective action.	0
The amount of time it took to resolve such complaints.	N/A



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Christopher A. Keaton
Legislative Fiscal Officer

Employee Discrimination/Harassment Complaint Form
Please Print

Name of Complainant: Job Title: Supervisor:	Date: Work Phone:
Your complaint of Sexual Harassment is made about: Name: Title: Work Address: Work Phone: Relationship to you: <input type="checkbox"/> Supervisor <input type="checkbox"/> Subordinate <input type="checkbox"/> Co-Worker <input type="checkbox"/> Other: _____	
Date(s) incident occurred: Is the harassment continuing? <input type="checkbox"/> Yes <input type="checkbox"/> No	
Statement of event(s): <p style="text-align: center;">(Attach additional pages as needed)</p>	
Please list the name and contact information of any witnesses or individuals who may have information related to your complaint: <p style="text-align: center;">(Attach additional pages as needed)</p>	

Signature of Reporting Person

Date