

Office of the Commissioner
State of Louisiana
Division of Administration

JEFF LANDRY
GOVERNOR



TAYLOR F. BARRAS
COMMISSIONER OF ADMINISTRATION

MEMORANDUM

TO: All Agency Heads

FROM: Taylor F. Barras
Commissioner of Administration

DATE: August 15, 2024

SUBJECT: Sexual Harassment – Notice of Personal Liability

Louisiana R.S. 42:351-355 reiterate the illegality of sexual harassment under state and federal law, and the requirement that government agencies develop and implement policies and related training to prevent such behavior in the workplace. In enacting these statutes in the 2019 Regular Session (Act No. 413), the legislature also established new law which potentially imposes personal financial liability upon a public servant identified as having engaged in sexually inappropriate workplace behavior. Please ensure that your agency's policy prohibiting sexual harassment includes specific reference to this possibility of personal liability.

Louisiana R.S. 42:354 requires that I provide annual notice to executive branch agencies of this potential personal liability. As agency heads, you are required to ensure that notice of this potential liability is disseminated to every newly elected, appointed, and employed public servant. For new hires, this notice should be provided during orientation, along with a copy of your agency's policy prohibiting sexual harassment. For existing employees, this notice should be disseminated directly to every public servant in your agency on an annual basis.

For your convenience, I have attached a Notice of Personal Liability utilized by the Division of Administration. Please post this or a substantially similar Notice throughout your agency's work locations.

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SEXUAL HARASSMENT

NOTICE OF PERSONAL LIABILITY

Louisiana law requires government agencies to develop and implement policies and related training to prevent sexual harassment in the workplace. The prohibitions and requirements within these policies apply to all public servants -- employees, appointees and elected officials.

Louisiana's taxpayers have been financially burdened by judgments and settlements arising from claims of workplace sexual harassment. To reduce this impact, La. R.S. 42:351 et seq., enacted in the 2019 Regular Session (Act No. 413), declares that consideration be given to requiring that a public servant, once determined to have engaged in sexually inappropriate workplace behavior, personally reimburse all or a portion of any judgment or settlement resulting from such behavior. La. R.S. 42:353 sets forth the process and factors to be considered in making this determination, and authorizes the Attorney General to file suit against a public servant to enforce the state's right to reimbursement and indemnification.

Notice of this potential personal liability is disseminated by DOA, along with our policy prohibiting sexual harassment, during orientation to every newly hired public servant. This Notice also is disseminated, on an annual basis, to every existing DOA employee. Reference to this potential personal liability also is included in the annual CPTP training on sexual harassment available through LEO.