



GOVERNOR'S OFFICE of PROGRAMS and PLANNING

LOUISIANA COMMISSION ON HUMAN RIGHTS' NEWSLETTER

Vol. 1, Issue 2, October 2016

Our Executive Director



Leah Raby, Ph.D. obtained her Bachelor of Arts in Political Science (BA), Master of Public Administration (MPA) and Doctorate of Philosophy in Public Policy (PhD) degrees from Southern University Baton Rouge. She is the Executive Director of the Louisiana Commission on Human Rights in the Office of the Governor. In her capacity, she

investigates banking and lending, public accommodation and employment discrimination complaints for the state of Louisiana. Previously, she served as the Executive Assistant/Lead Investigator and she has also served as Acting Executive Director of the Louisiana Commission on Human Rights with the distinction of serving on the staff of five Governors spanning more than 18 years.

Dr. Raby adjuncts as an Advanced Certified Facilitator, at the University of Phoenix in the Undergraduate College of Business, Ashford University – teaching Public Administration, Strayer University – teaching Political Science and Public Administration and Upper Iowa University – teaching Healthcare. In addition to teaching, she speaks around the state of Louisiana educating business owners, employers and employees regarding the State and Federal employment discrimination laws enforced by LCHR. Since 2010, Dr. Raby has served as an Advisory Board Member of Virginia College in the College of Business and previous Diversity Director of the Louisiana Society for Human Resource Managers. She has been married for 20 years and has three teenage children.

“The Office of the Louisiana Commission on Human Rights is an assurance and a commitment by the state of Louisiana that the intent of the values of “equality” and “inalienable rights” are maintained.”

– Dr. Leah Raby, Executive Director

Our Commissioners



TAMARA K. JACOBSON, ESQ.
Chairwoman



F. CLAYTON LATIMER, ESQ.
At-Large Member



JULIA MENDEZ
At-Large Member



REV. CYRIL A. VERRET
1st Congressional District



RICHARD G. PERQUE, ESQ.
2nd Congressional District



ANGELA A. FAULK
3rd Congressional District



TERRY L. JACKSON
4th Congressional District



COURTNEY L. HUNT
6th Congressional District

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Governor Edwards' APPRECIATION LUNCHEON



Americans with Disability Act Panel at **BLUE CROSS BLUE SHIELD**

On July 12, 2016, the Louisiana Liaison group hosted an ADA Panel at the Blue Cross Blue Shield of Louisiana in Baton Rouge, Louisiana. During the meeting, Dr. Leah Raby served as a panelist to discuss the evolution of the Americans with Disability Act and prevalence in cases filed through the Equal Employment Opportunity Commission (EEOC) and Louisiana Commission on Human Rights (LCHR).

(L-R) Lynne Broussard, Vice President of the Louisiana Liaison Group; Dr. Leah Raby, the Executive Director of LCHR





PUBLIC Accommodations & BANKING AND LENDING Practices

PUBLIC ACCOMMODATIONS

In Louisiana, under LA R.S. 51: 2247, it is a discriminatory practice for a person to deny an individual the full and equal enjoyment of the goods, services, facilities, privileges, advantages, and accommodations of a place of public accommodation, resort, or amusement on the grounds of race, creed, color, religion, sex, age, disability or national origin.

A place of public accommodation, resort, or amusement is defined as any place, store, or other establishment, either licensed or unlicensed, which supplies goods or services to the general public or which solicits or accepts the patronage or trade of the general public, or which is supported directly or indirectly by government funds.

A bona fide private club is not a place of public accommodation, resort or amusement. The criteria for making that determination are set forth in the statute.

BANKING AND LENDING PRACTICES

It is an unlawful practice for a financial institution to discriminate against an individual in the granting, withholding, extending, modifying, or renewing of rates, terms, conditions, privileges, or other provisions of financial assistance, or the extension of services.

UNLAWFUL FINANCIAL PRACTICES BY A FINANCIAL INSTITUTION

According to *LA R.S. 51: 2254*, it is an unlawful practice for a financial institution or individual employed by or acting on behalf of a financial institution:

(1) To discriminate against an individual because of the **race, creed, color, religion, national origin, sex, disability, or age** of the individual or the present or prospective owner, tenant, or occupant of the immovable property or of a member,

stockholder, director, officer, employee, or representative of any of these, in the **granting, withholding, extending, modifying, or renewing of rates, terms, conditions, privileges, or other provisions of financial assistance or the extension of services** in connection therewith;

PUBLIC ACCOMMODATIONS
ARE ANY PLACE WE ARE WHEN NOT AT HOME, WORK OR SCHOOL.
This includes, but is not limited to:

- Medical Offices
- Hotels
- Theaters
- Public Parks
- Restaurants
- Retail Stores & Malls
- Public Transit

(2) To use a form of application for financial assistance or to make or keep a record or inquiry in connection with applications of financial assistance which indicates directly or indirectly a limitation, specification, or discrimination, as to race, creed, color, religion, disability, or national origin, or an intent to make such a limitation, specification, or discrimination.

(3) To discriminate by refusing to give full recognition, because of sex, to the income of each spouse or the total income and expenses of both spouses become or are prepared to become joint or several obligors in real estate transactions.

CREDIT TRANSACTIONS

According to *LA R.S. 51: 2255*, it is an unlawful practice for any person whether acting for himself or another, in connection with any credit transaction because of **race, creed, color, religion, national origin, disability, or sex:**

- (1) To deny credit to any person;
- (2) To increase the charges or fees for or collateral required to secure any credit extended to any person;
- (3) To restrict the amount or use of credit extended or impose different conditions with respect to the credit extended to any person or any item or service related thereto.

Note: The term “credit” means the right conferred upon a person by a creditor to incur debt and defer payment, whether or not any interest or finance charge is made for the exercise of this right.



UNITED STATES EQUAL EMPLOYMENT OPPORTUNITY COMMISSION (EEOC)

The EEOC is responsible for enforcing federal laws that make it illegal to discriminate against a job applicant or an employee because of the person’s race, color, religion sex (including pregnancy, gender identity and sexual orientation), national origin, age (40 or older), disability or genetic information. Also, it is illegal to discriminate against a person because the person complained about discrimination, filed a charge of discrimination, or participated in an employment discrimination investigation or lawsuit. Most employers, including labor unions and employment agencies with at least 15 employees are covered by EEOC laws. In age discrimination, employers must have at least 20 employees. The laws apply to all types of work situations, including hiring, firing, promotions, harassment, training, wages and benefits. If you believe you have been discriminated by an employer, labor union or employment agency when applying for a job or while on the job, or believe that you have been discriminated against because of opposing a prohibited practice or participating in an equal employment matter, you may file a charge of discrimination with the EEOC. The following laws are enforced by the EEOC and require filing a charge with the EEOC before a private lawsuit may be filed in court: Title VII (Title VII of the Civil Rights Act); ADA (Americans with Disabilities Act); ADEA (Age Discrimination in Employment Act); GINA (Genetic Information Nondiscrimination Act, excluding the Equal Pay Act (EPA).

The EEOC works with the Fair Employment Practice Agencies (FEPAs) and the Tribal Employment Rights Offices (TEROs) to manage charges of discrimination and the protection of the employment rights of Native Americans. The EEOC contracts with approximately 90 FEPAs nationwide to process more than 48,000 discrimination charges annually. These discrimination charges raise claims under state and local laws prohibiting employment discrimination as well as the federal laws enforced by the EEOC, FEPA, and TERO offices for the area covered by the Louisiana Commission on Human Rights (LCHR). For more information, visit: www.eeoc.gov

LOUISIANA COMMISSION ON HUMAN RIGHTS (LCHR)

The Louisiana Commission on Human Rights is committed to protecting the citizens of Louisiana from unlawful discriminatory practices. LCHR was established in 1988 by Act 866 in the 1988 Regular Session of the Louisiana Legislature and has been operating since 1993. The Louisiana Commission on Human Rights is the official entity mandated to process charges of discrimination, investigate alleged discriminatory acts, mediate disputes, and provide education and training related to discriminatory practices.

The Louisiana Commission on Human Rights is authorized by LSA-R.S. 23:301 et seq., as amended, cited as the Louisiana Employment Discrimination Law to handle complaints of discrimination based upon these enumerated basis: race, color, sex, age, disability, national origin, sickle cell trait, pregnancy, childbirth, and related medical conditions; genetics and retaliation and sexual harassment.

<p>RACE</p> <p>COLOR</p> <p>RELIGION</p> <p>SEX</p> <p>NATIONAL ORGIN</p>	<p>Title VII, as amended, prohibits discrimination in hiring, promotion, discharge, pay, fringe benefits, job training, classification, referral and other aspects of employment, on the basis of race, color, religion, sex or national origin. Title VII applies to employers with 15 or more employees, including state and local governments. It also applies to employment agencies and to labor organizations, as well as to the federal government.</p> <p>In addition to sex discrimination prohibited by Title VII of the Civil Rights Act of 1964, the Equal Pay Act of 1963, as amended, prohibits sex discrimination in payment of wages to women and men performing substantially equal work in the same establishment. Under Louisiana law, review revised statues (RS) 23: 661-669.</p>
<p>AGE</p>	<p>The ADEA of 1967, as amended, protects qualified applicants and employees 40 years of age or older from discrimination on the basis of again in hiring, promotion, discharge, compensation, terms, conditions or privileges of employment.</p>
<p>DISABILITY</p>	<p>The ADA of 1990, as amended, protects qualified applicants and employees with disabilities from discrimination in hiring, promotion, discharge, pay, job training, fringe benefits, classification, referral, and other aspects of employment on the basis of disability. The law also requires the covered entities provide qualified applicants and employees with disabilities with reasonable accommodations that do not impose undue hardships.</p>
<p>SICKLE CELL TRAIT</p>	<p>Under Louisiana law, review revised statue (RS) 23: 352 regarding the prohibition of sickle cell trait discrimination and exceptions.</p>
<p>PREGNANCY, CHILD BIRTH AND RELATED MEDICAL CONDITIONS</p>	<p>Pregnancy discrimination is an amendment to Title VII. Discrimination on the basis of pregnancy, childbirth or related medical conditions constitutes unlawful sex discrimination. Women who are pregnant or affected by related conditions must be treated in the same manner as other applicants or employees with similar abilities or limitations. Title VII’s pregnancy-related protections include: hiring, pregnancy and maternity leave, health insurance, fringe benefits, and retaliation.</p> <p>Under Louisiana law, review revised statue (RS) 23: 342 regarding the unlawful practice by employers prohibited; pregnancy, childbirth, or related medical condition benefits and leaves of absence; transfer of position.</p>
<p>SEXUAL HARASSMENT</p>	<p>Sexual harassment is a form of sex discrimination that violates Title VII. Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature constitute sexual harassment when this conduct explicitly or implicitly affects an individual’s employment, unreasonably interferes with an individual’s work performance, or creates an intimidating, hostile, or offensive work environment.</p>
<p>RETALIATION</p>	<p>Retaliation against a person who files a charge of discrimination, participates in an investigation, or opposes an unlawful employment practices is prohibited. An employer may not fire, demote, harass or otherwise “retaliate” against an individual for filing a charge of discrimination, participating in a discrimination proceeding, or otherwise opposing discrimination.</p> <p>Under Louisiana law, review revised statute (RS) 51: 2256 regarding the conspiracy to violate human rights and discrimination laws.</p>

Quick Guide

	EEOC	LCHR	OSC
TYPE OF DISCRIMINATION	Race, color, religion, gender, national origin, sex, disability, genetic information, pregnancy, age and retaliation	Race, color, religion, gender, national origin, sex, disability, genetic information, pregnancy, age and retaliation	National origin citizenship status, document abuse and retaliation
NECESSARY EMPLOYEE SIZE	15 or more	25 or more	For national origin: 4 to 14 employees For citizenship status and document abuse: 4 or more employees
PROTECTED WORKERS	All workers, including undocumented aliens	All workers, including undocumented aliens	For national origin and document abuse: all work authorized individuals For citizenship status: U.S. Citizens, some legal permanent residents, asylees, refugees
PROHIBITED ACTS	Hiring, firing, recruitment/referral for a fee, terms and conditions of employment	Hiring, firing, recruitment/referral for a fee, terms and conditions of employment	Hiring, firing, recruitment/referral for a fee, terms and conditions of employment
AVAILABLE RELIEF	Back pay, front pay, reinstatement, compensatory/punitive damages, injunctive relief and attorney's fees	Back pay, front pay, reinstatement, compensatory/punitive damages, injunctive relief and attorney's fees	Back pay, front pay, reinstatement, civil penalties, injunctive relief and attorney's fees in limited circumstances
CHARGE FILING DEADLINE	180 days from the date of the alleged violation 300 days in deferral states	180 days in non-deferral states 300 days in deferral states	180 days in non-deferral states 300 days in deferral states
HOW TO FILE A CHARGE WITH EEOC	Call the EEOC's toll-free number: 1-800-664-9400 or 1-800-669-6820 (TTY); You may also write the office at: The Hale Boggs Federal Building 500 Poydras St. Room 809 New Orleans, LA 70130	Call the LCHR (225) 342-6969 or download on-line application www.lchrgov.com/lchr	Mail, email or fax a completed charge form. Charge forms can be downloaded from internet or you can request them by calling the OSC Employer hotline: 1-800-255-8155 or OSC Employee Hotline: 1-800-255-7688 Fax: (202) 616-5509
AGENCY CONTACT INFORMATION	New Orleans Field Office 500 Poydras St. Suite 800 New Orleans, LA 70113 1-800-699-4000 www.eeoc.gov	Physical Address: 1001 North 23 rd St. Suite 268 Mailing Address: P.O. Box 94094 Baton Rouge, LA 70804 Tel. (225) 342-6969 Fax. (225) 342-2063 TTY (888) 248-0859 Website: www.lchrgov.com/lchr	United States Department of Justice Office of Special Counsel for Immigration Related Unfair Employment Practices www.justice.gov/crt/about/osc/ (Local) Department of Justice 1885 N. 3 rd St. Baton Rouge, LA 70802 Tel: (225) 326 – 6000

TAPS

2016 EEOC NEW ORLEANS SEMINAR

The New Orleans Technical Assistance Program Seminar (TAPS) was held on August 11, 2016 at the University of New Orleans – University Center. During the seminar, Dr. Leah Raby presented, “The Unique EEOC Laws in Louisiana” on behalf of the Louisiana Commission on Human Rights.

The following topics were also discussed during the seminar: EEO Updates, EEOC’s Digital Charge System; The Value of Mediation; US Department of Justice – Civil Rights Division on Immigration-Related Unfair Employment Practices; EEOC’s General Counsel Discusses LBGT Matters in the Employment Arena; Office of Federal Contract and Compliance’s Recent Developments; and Panel Discussion on LBGT Updates.

LCHR INVENTORY REPORT

October 01, 2015 – September 29, 2016		
Title VII	53	Damages Awarded 117,758.61
ADA	19	
ADEA	4	
Other	15	
Total	91	

We Are ONE LOUISIANA

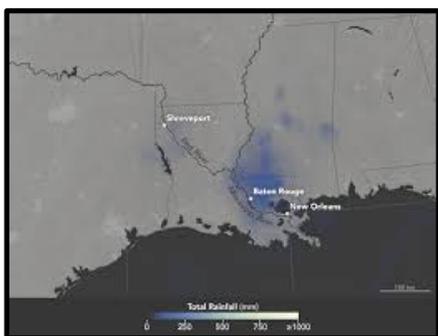


surveyed and reported the needs of the people affected by the historic flood.

Additionally, the Staff also visited St. Helena High in East Feliciana, Fifth Ward Recreation Center in Amite City and Mike Kenny Center Hammond in Tangipahoa Parish to assesses the needs of the



residents. After those needs were assessed, the staff purchased specifically requested products for evacuees from Walmart, then distributed those products.



In mid-August of 2016, many residents of Louisiana were found displaced due to a historic flood. Over 20,000 people were rescued

along with hundreds of pets, as a result of flooding caused by an astronomical amount of rain falling on south Louisiana. Ultimately, the federal government declared it a major disaster for four parishes. Within a day, approximately 10,000 people relocated to shelters. A week later, nearly 4,857 residents were still living in shelters. By the end of the month, almost 3,000 people were sleeping in cots alongside strangers unsure of their next move.

On several days, the Louisiana Commission on Human Rights Staff, consisting of Dr. Leah Raby, Desha Gay and Christa Davis, visited shelters held at the Jewel J. Newman Community Center, the River Center, and Scotlandville Magnet High School to provide assurance from the Governor's office to many residents who relocated due to the flood. The staff reported to GOSHEP and teamed with Jessica Lewis, and Mitch Rabelais of the Governor's Office. The LCHR staff also assisted with the removal of the infirmed; as well as



Celebrating 50

Happy Birthday Governor John Bel Edwards

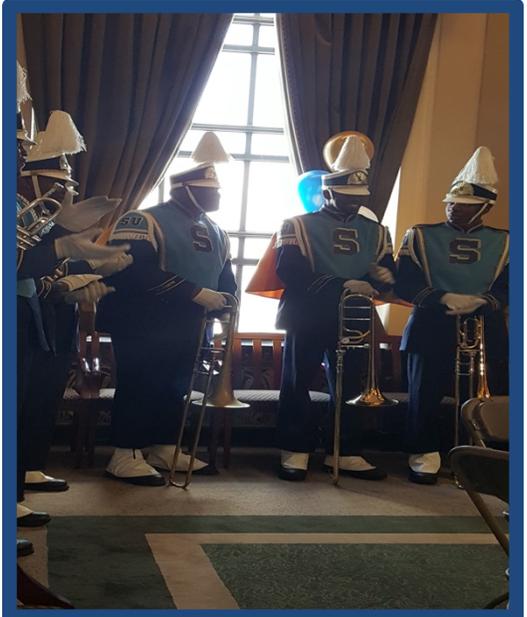
Governor John Bel Edwards was born on September 16, 1966 in Amite, Louisiana. On September 19th, his staff celebrated his “50th birthday” on the 4th floor of the Capitol building.



(L-R) Iriane Lee, Dr. Leah Raby, Governor John Bel Edwards, Desha Gay



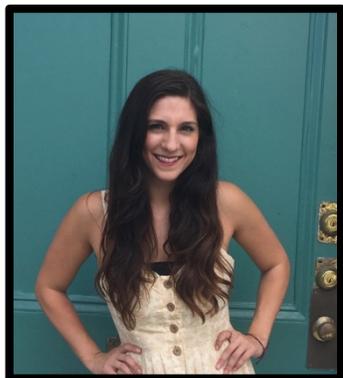
(Pictured Left) Governor John Bel Edwards and First Lady Donna Edwards entering the room in a traditional New Orleans style second line.



Members of the “Human Jukebox”, Southern University Marching Band, joined the Governor’s celebration.



Summer 2016 Intern: Kelly Ward



KELLY M. WARD
2016 LCHR Summer Intern
Office of the Governor

School: Louisiana State University **Graduation:** December, 2016

Major: Interdisciplinary Studies; Minors in History, Political Science and Human Resource Education

Hobbies: Traveling, Exercising and Reading

What did you love most about interning with the Louisiana Commission on Human Rights? I loved learning the functions of the agency and interacting with other Louisiana citizens. I also enjoyed learning to read cases and working with the LCHR staff. I was grateful for the learning experience afforded by the LCHR and the Governor's office.

What are your plans for your future? In the future, I plan to enroll into a graduate program to obtain a Masters in Counseling.



(L-R) Iriane Lee, Dr. Leah Raby, Kelly Ward, Christa Davis and Desha Gay.

One Faith Women: SPARKLE & SHINE GATHERING



(L-R) Dr. Leah Raby of Louisiana Commission on Human Rights(LCHR) and Marvis Hicks of the Equal Employment Opportunity Commission (EEOC)



LOUISIANA COMMISSION ON HUMAN RIGHTS

Administrative Staff

CONTACT US



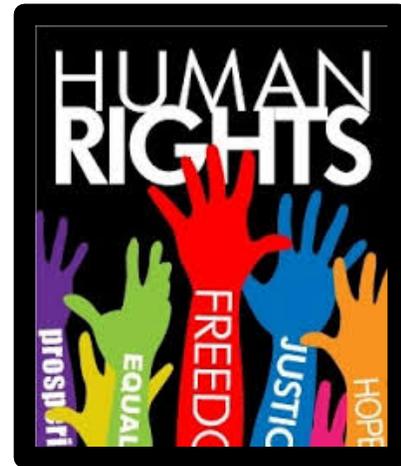
Dr. Leah Raby
Executive Director



Desha Gay, Esq.
Executive Assistant/
EO Supervisor



Christa Davis
Administrative
Assistant/Intake Officer



John Allen, III, Esq.
EO Specialist/Investigator



Natalie Blackman, Esq.
Investigator



Harry Landry, III, Esq.
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