

West's Louisiana Statutes Annotated [Currentness](#)

Louisiana Revised Statutes

▢ [Title 51](#). Trade and Commerce

→ [Chapter 38](#). Louisiana Commission on Human Rights ([Refs & Annos](#))

→ **§ 2231. Statement of purpose; limitation on prohibitions against discrimination because of age**

A. It is the purpose and intent of the legislature by this enactment to provide for execution within Louisiana of the policies embodied in the Federal Civil Rights Act of 1964, 1968, and 1972 [\[FN1\]](#) and the Age Discrimination in Employment Act of 1967, [\[FN2\]](#) as amended; and to assure that Louisiana has appropriate legislation prohibiting discrimination in public accommodations sufficient to justify the deferral of cases by the federal Equal Employment Opportunity Commission, the secretary of labor, and the Department of Justice under those statutes; to safeguard all individuals within the state from discrimination because of race, creed, color, religion, sex, age, disability, or national origin in connection with employment and in connection with public accommodations; to protect their interest in personal dignity and freedom from humiliation; to make available to the state their full productive capacities in employment; to secure the state against domestic strife and unrest which would menace its democratic institutions; to preserve the public safety, health, and general welfare; and to further the interest, rights, and privileges within the state.

B. The prohibitions in this Chapter against discrimination because of age in connection with public accommodations shall be limited to individuals who are at least forty years of age.

C. The Louisiana Commission on Human Rights shall have enforcement powers including adjudication of claims of discrimination prohibited by [R.S. 23:312](#), 323, and 332, sickle cell trait discrimination prohibited by [R.S. 23:352](#), and discrimination because of pregnancy prohibited by [R.S. 23:341 et seq.](#)

[\[FN1\]](#) See, inter alia, 42 U.S.C.A. §§ 2000A et seq., 3601 et seq.

[\[FN2\]](#) See, inter alia, 29 U.S.C.A. § 621 et seq.

§ 2232. Definitions

As used in this Chapter:

- (1) "Commission" means the Louisiana Commission on Human Rights.
- (2) "Commissioner" means a member of the commission.
- (3) "Discriminatory practice in connection with public accommodations" means any direct or indirect act or practice of exclusion, distinction, restriction, segregation, limitation, refusal, denial, or any other act or prac-

tice of differentiation or preference in the treatment of a person or persons because of race, creed, color, religion, sex, age, disability, or national origin.

(4), (5) Repealed by [Acts 1997, No. 1409, § 4, eff. Aug. 1, 1997](#).

(6) “Hearing examiner” means one or more persons or commissioners designated by the commission to conduct a hearing. The commission shall have the sole power to determine qualifications of the examiner.

(7) Repealed by [Acts 1997, No. 1409, § 4, eff. Aug. 1, 1997](#).

(8) “National origin” means the national origin of an ancestor.

(9) “Person” means one or more individuals, governments, governmental agencies, public authorities, labor organizations, corporations, legal representatives, partnerships, associations, trustees, trustees in bankruptcy, receivers, mutual companies, joint stock companies, trusts, unincorporated organizations, or other organized groups of persons.

(10) “Place of public accommodation, resort, or amusement” means 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. However, a bona fide private club is not a place of public accommodation, resort, or amusement if its policies are determined solely by its members and its facilities or services are available only to its members and their bona fide guests.

(11)(a) “Disability” means a physical or mental impairment that substantially limits one or more of the major life activities of the individual, a record of such impairment, or being regarded as having such an impairment. For purposes of all laws which incorporate by reference, apply to, or rely for meaning upon the term disability as defined herein, the terms used in this definition have the following meanings:

(i) “Physical impairment” means any physiological disorder or condition, cosmetic disfigurement, or anatomical loss affecting one or more of the following body systems: neurological, musculoskeletal, special sense organs, respiratory, including speech organs, cardiovascular, reproductive, digestive, genito-urinary, hemic and lymphatic, skin, and endocrine.

(ii) “Mental impairment” means any mental or psychological disorder, such as mental retardation, organic brain syndrome, emotional or mental illness, and specific learning disabilities.

(iii) “Major life activities” includes functions such as caring for oneself, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning, and working.

(b) The following shall not be considered disabilities: homosexuality, bisexuality, transvestism, transexualism, pedophilia, exhibitionism, voyeurism, gender identity disorders not resulting from physical impairments, or other sexual behavior disorders, compulsive gambling, kleptomania, pyromania, psychoactive substance use disorders resulting from current illegal use of drugs, or use of alcohol which adversely affects job performance or conduct.

(12) “Discriminatory practice in connection with employment” means an employment practice prohibited by [R.S. 23:312](#), 323, or 332.

(13) “Unlawful practice” means a discriminatory practice in connection with employment, a discriminatory practice in connection with public accommodations, or any other practice prohibited by this Chapter.

§ 2233. Establishment of commission; membership; terms; confirmation

There is hereby created the Louisiana Commission on Human Rights in the office of the governor. The commission shall consist of nine members, one to be appointed from each congressional district and the remaining membership to be appointed from the state at large. The governor shall appoint all members, subject to Senate confirmation, and shall name one member as chairman. Of the nine members first appointed, three shall be appointed for a term of one year, three for two years, and three for three years. Thereafter all members of the commission shall be appointed for terms of three years and shall continue to serve until reappointed or replaced. In the event of death or resignation of a member, his successor shall be appointed to serve the unexpired term for which such member had been appointed.

§ 2234. Members; qualifications; compensation

A. The members of the commission on human rights established by [R.S. 51:2233](#) shall be appointed on a bipartisan basis and shall be broadly representative of employers, proprietors, trade unions, religious groups, human rights groups, and the general public.

B. Each member is entitled to reimbursement of expenses incurred in the performance of his duties and when serving as a hearing examiner.

C. Each member shall receive sixty-five dollars per day for attending meetings of the commission in addition to the reimbursement of expenses authorized in Subsection B of this Section. Monies received from federal funds may be used for payment of such per diem and expenses. No state or local monies shall be used for payment of per diem or expenses under provisions of this Section.

§ 2235. Powers and duties of commission

In the enforcement of this Chapter, the commission shall have the following powers and duties:

(1) To maintain an office in Baton Rouge and such other offices within the state as may be deemed necessary.

(2) To meet and exercise its powers within the state.

(3) To appoint an executive director, attorneys, hearing examiners, clerks, and other employees and agents as it may deem necessary, to fix their compensation with the approval of the governor, and to delegate any of its functions and duties to its agents or employees in the interest of efficient management of the appropriations and resources of the agency.

(4) To promote the creation of local commissions on human rights, to cooperate with state, local, and other agencies, both public and private, and individuals, and to obtain upon request and utilize the services of all governmental departments and agencies.

(5) To enter into cooperative working agreements with local commissions which have enforceable ordinances, orders, or resolutions and professional staff.

(6) To cooperate with the United States Equal Employment Opportunity Commission created by Section 705 of the Civil Rights Act of 1964, compiled in [42 U.S.C. 2000e-4](#), in order to achieve the purpose of that Act, and with other federal and local agencies in order to achieve the purposes of this Chapter.

(7) To accept and disburse gifts and bequests, grants, or other payments, public or private, to help finance its activities.

(8) To accept reimbursement pursuant to Section 709(b) of the Civil Rights Act of 1964, compiled in [42 U.S.C. 2000e-8](#), for services rendered to assist the federal Equal Employment Opportunity Commission.

(9) To receive, initiate, investigate, seek to conciliate, hold hearings on, and pass upon complaints alleging violations of this Chapter.

(10) To require answers to interrogatories, compel the attendance of witnesses, examine witnesses under oath or affirmation in person or by deposition, and require the production of documents relevant to the complaint. The commission may make rules authorizing or designating any member or individual to exercise these powers in the performance of official duties.

(11) To furnish technical assistance requested by persons subject to this Chapter to further their compliance with this Chapter or an order issued thereunder.

(12) To make studies appropriate to effectuate the purposes and policies of this Chapter and make the results thereof available to the public.

(13) To render, at least annually, a comprehensive written report to the governor and to the legislature. The report may contain recommendations of the commission for legislative or other action to effectuate the purposes and policies of this Chapter.

(14) To adopt, promulgate, amend, and rescind rules and regulations to effectuate the purposes and provisions of this Chapter, including regulations requiring the posting of notices prepared or approved by the commission.

(15) To cooperate with community, professional, civic, and religious organizations, federal agencies, and agencies from other states in the development of public information programs, leadership, and activities in the interest of equal opportunity and treatment of all individuals.

(16) To create local or statewide advisory committees that in its judgment will aid in effectuating the purposes of this Chapter. Members of such committees shall serve without pay but shall be reimbursed for expenses incurred in such service. The commission may make provision for technical and clerical assistance to the committees. The commission may empower these committees:

(a) To study and report on problems of discrimination because of race, creed, color, religion, sex, age, disability, or national origin.

(b) To foster, through community effort or otherwise, goodwill among the groups and elements of the population of the state.

(c) To make recommendations to the commission for the development of policies and practices that will aid in carrying out the purposes of this Chapter.

§ 2236. Parishes and municipalities may prohibit discrimination

A. Parishes and municipalities may adopt and enforce ordinances, orders, and resolutions prohibiting all forms of discrimination, including discrimination on the basis of race, creed, color, religion, national origin, sex, disability, or age, and to prescribe penalties for violations thereof, such penalties being in addition to the remedial orders and enforcement herein authorized.

B. Parishes and municipalities may adopt and enforce ordinances, orders, and resolutions prohibiting discrimination, but no ordinance, order, or resolution shall attempt to exempt more transactions from its coverage than are exempted by [R.S. 51:2250](#).

§ 2237. Local human rights commissions

Any parish or municipality, or one or more parishes and municipalities acting jointly, may create a human rights commission, hereinafter referred to as a “local commission”:

(1) To provide for execution within its jurisdiction of the policies embodied in this Chapter and the Federal Civil Rights Act of 1964 (78 Stat. 241).[\[FN1\]](#)

(2) To safeguard all individuals within its jurisdiction from discrimination because of race, creed, color, religion, national origin, sex, disability, or age.

[\[FN1\]](#) See, inter alia, 42 U.S.C.A. § 2000A et seq.

§ 2238. Powers of local commissions

A local commission may:

(1) Receive, initiate, investigate, hear, and determine charges of violations of ordinances, orders, or resolutions forbidding discrimination adopted by the parish or municipality.

(2) Compel the attendance of witnesses and the production of evidence before it by subpoena issued by the district court of the parish wherein the local commission is authorized to act.

(3) Issue remedial orders, after notice and hearing, requiring cessation of violations.

(4) Issue such affirmative orders as in the judgment of the local commission will carry out the purposes of this Chapter. Affirmative action ordered may include but is not limited to the remedies enumerated in [R.S. 51:2261\(C\)](#).

(5) Employ an executive director, attorneys, hearing examiners, clerks, and other employees and agents.

(6) Accept grants, gifts, or bequests, public or private, to help finance its activities.

§ 2239. Additional powers of local commissions

A local commission established pursuant to this Chapter may:

(1) Enter into cooperative working agreements with the United States Equal Employment Opportunity Commission, created by Section 705 of the Federal Civil Rights Act of 1964 (78 Stat. 241) [\[FN1\]](#) in order to achieve the purposes of that Act, and with any federal or state agency in order to achieve the purposes of this Chapter.

- (2) In its discretion, or upon request of the commission, refer a matter under its jurisdiction to the commission for initial action or review.
- (3) Refer to the commission for resolution a dispute with another local commission over jurisdiction or any other matter.
- (4) Provide a copy of its annual report to the commission.

[FN1] In par. (1), see, inter alia, [42 U.S.C.A. § 2000A et seq.](#)

§ 2240. Enforcement of local commission orders

A. The proceeding for enforcement of a local commission order shall be initiated by filing a complaint in the district court. Copies of the complaint shall be served upon all parties of record. Within thirty days after the filing of the complaint by the local commission, or within such further time as the court may allow, the local commission shall transmit to the court the original or a certified copy of the entire record upon which the order is based, including a transcript of testimony, which need not be printed. By stipulation of all parties to the proceeding, the record may be shortened.

B. The findings of fact of the local commission shall be conclusive unless clearly erroneous in view of the probative and substantial evidence on the whole record. The court may grant such temporary relief or restraining order as it deems just and may enter an order enforcing, modifying, and enforcing as modified, or setting aside in whole or in part the order of the local commission, or remanding the case to the local commission for further proceedings.

§ 2241. Cooperation between state and local commissions

The commission may enter into cooperative working agreements with local commissions which have enforceable ordinances, orders, or resolutions and professional staff under the provisions of [R.S. 51:2238](#).

§§ 2242 to 2245. Repealed by Acts 1997, No. 1409, § 4, eff. Aug. 1, 1997

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§ 2246. Plans to eliminate imbalance among employees permitted

It shall not be a discriminatory practice for a person subject to this Chapter to adopt and carry out a plan to fill vacancies or hire new employees so as to eliminate or reduce imbalance with respect to race, color, religion, sex, age, disability, or national origin if the plan has been filed with the commission and the commission has not disapproved the plan.

§ 2247. Public accommodations, resorts, amusements; discriminatory practices prohibited

Except as otherwise provided in this Chapter, 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, as defined in this Chapter, on the grounds of race, creed, color, religion, sex, age, disability, as defined in R.S. 51:2232(11), or national origin.

§ 2247.1. Breastfeeding; discriminatory practices prohibited

A. Legislative findings and declarations.

(1) The Legislature of Louisiana hereby finds that the surgeon general of the United States recommends that babies from birth to one year of age be breastfed, unless medically contraindicated, in order for the babies to attain an optimal healthy start in life, but that despite that recommendation, statistics reveal a declining percentage of mothers who are now choosing to breastfeed their babies, and nearly half of all new mothers are choosing formula over breastfeeding before they even leave the hospital.

(2) The legislature further finds that breast milk provides better nutrition and more immunity to disease, is easier for babies to digest, and may raise a baby's intelligence quotient, but that the social constraints of modern society work against the choice of breastfeeding and lead new mothers with demanding time schedules to opt for formula feeding for reasons such as embarrassment and the fear of social ostracism or criminal prosecution.

(3) The legislature does hereby declare that the promotion of family values and infant health demands that our society put an end to the vicious cycle of embarrassment and ignorance that constricts women and men alike on the subject of breastfeeding, and that in a genuine effort to promote family values, our society should encourage public acceptance of this most basic act of nurture between mother and baby and should take appropriate steps to ensure that no mother is made to feel incriminated or socially ostracized for breastfeeding her baby.

B. Right to breastfeed. Notwithstanding any other provision of law to the contrary, a mother may breastfeed her baby in any place of public accommodation, resort, or amusement.

C. "Discriminatory practice in connection with public accommodations" to include a discriminatory

practice against a mother breastfeeding her baby. Any direct or indirect act or practice of exclusion, distinction, restriction, segregation, limitation, refusal, denial, or any other act or practice of differentiation or preference in the treatment of a mother breastfeeding her baby shall be a “discriminatory practice in connection with public accommodations” for the purposes of this Chapter.

D. Breastfeeding; discriminatory practices prohibited. It is a discriminatory practice in connection with public accommodations 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, as defined in this Chapter, on the grounds that the individual is a mother breastfeeding her baby. This discriminatory practice in connection with public accommodations is prohibited.

E. Breastfeeding not a violation of law. A mother breastfeeding her baby in any location, public or private, where the mother is otherwise authorized to be, shall not be deemed to be in violation of [R.S. 14:106](#) or of any other provision of law.

§ 2248. Advertisement of accommodations, goods, services

It shall be an unlawful practice for a person, directly or indirectly, to publish, circulate, issue, display, mail, or cause to be published, circulated, issued, displayed, or mailed, a written, printed, oral, or visual communication, notice, or advertisement which indicates that the goods, services, facilities, privileges, advantages, and accommodations of a place of public accommodation, resort, or amusement shall be refused, withheld from, or denied an individual on account of his race, color, religion, disability, as defined in [R.S. 51:2232\(11\)](#), or national origin, or that the patronage of or presence at a place of public accommodations, resort, or amusement of an individual on account of his race, color, religion, disability, as defined in [R.S. 51:2232\(11\)](#), or national origin is objectionable, unwelcome, unacceptable, or undesirable.

§§ 2249 to 2253. Repealed by Acts 1991, No. 527, § 2, eff. Jan. 1, 1992

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§ 2254. Unlawful financial practices

It shall be an unlawful practice for a financial institution or an 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, as defined in [R.S. 51:2232\(11\)](#), 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 in the extension of services in connection therewith.

(2) To use a form of application for financial assistance or to make or keep a record or inquiry in connection with applications for financial assistance which indicates directly or indirectly a limitation, specification, or discrimination, as to race, creed, color, religion, disability, as defined in [R.S. 51:2232\(11\)](#), 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 where both spouses become or are prepared to become joint or several obligors in real estate transactions.

§ 2255. Unlawful practices in connection with credit transactions; exceptions

A. It shall be 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, as defined in [R.S. 51:2232\(11\)](#), 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 terms or conditions with respect to the credit extended to any person or any item or service related thereto.

(4) To attempt to do any of the unlawful practices defined in this Section.

B. The provisions of this Section shall not prohibit any party to a credit transaction from considering the credit history of any individual applicant.

C. The provisions of this Section shall not prohibit any party to a credit transaction from considering the application of Louisiana law on matrimonial regimes and successions to the particular case or from taking reasonable action thereon.

§ 2256. Conspiracy to violate this Chapter unlawful

It shall be an unlawful practice for a person or for two or more persons to conspire:

- (1) To retaliate or discriminate in any manner against a person because he has opposed a practice declared unlawful by this Chapter, or because he has made a charge, filed a complaint, testified, assisted, or participated in any manner in any investigation, proceeding, or hearing under this Chapter.
- (2) To aid, abet, incite, compel, or coerce a person to engage in any of the acts or practices declared unlawful by this Chapter.
- (3) To obstruct or prevent a person from complying with the provisions of this Chapter or any order issued thereunder.
- (4) To resist, prevent, impede, or interfere with the commission, or any of its members or representatives, in the lawful performance of duty under this Chapter.

§ 2257. Complaints of discrimination; procedure; conciliation agreements; enforcement

A. An individual claiming to be aggrieved by an unlawful practice, a member of the commission, or the attorney general may file with the commission a written sworn complaint stating that an unlawful practice has been committed, setting forth the facts upon which the complaint is based, and setting forth facts sufficient to enable the commission to identify the persons charged, hereinafter referred to as the “respondent”. The commission staff or a person designated pursuant to its rules shall promptly investigate the allegations of unlawful practice set forth in the complaint and shall within five days furnish the respondent with a copy of the complaint. The complaint shall be filed within one hundred eighty days after the alleged unlawful practice occurs.

B. The commission or an individual designated pursuant to its rules shall determine, within thirty days after the complaint has been filed, whether there is probable cause to believe the respondent has engaged in an unlawful practice. If it is determined that there is no probable cause to believe that the respondent has engaged in an unlawful practice, the commission shall issue an order dismissing the complaint and shall furnish a copy of the order to the complainant, the respondent, the attorney general, and such other public officers and persons as the commission deems proper.

C. The complainant, within ten days after receiving a copy of the order dismissing the complaint, may file with the commission an application for reconsideration of the order. Upon such application, the commission or an individual designated pursuant to its rules shall make a new determination, within ten days, whether there is probable cause to believe that the respondent has engaged in an unlawful practice. If it is determined that there is no probable cause to believe that the respondent has engaged in an unlawful practice, the commission shall issue an order dismissing the complaint and furnishing a copy of the order to the complainant, the respondent, the attorney general, and such other public officers and persons as the commission deems proper.

D. If the staff determines, after investigation, or if the commission determines, after the review provided for in Subsection (B) or (C) of this Section, that there is probable cause to believe that the respondent has engaged in an unlawful practice, the commission staff shall endeavor to eliminate the alleged unlawful practice by conference, conciliation, and persuasion. The terms of a conciliation agreement reached with a respondent may require him to refrain from the commission of unlawful discriminatory practices in the future and make such further provisions as may be agreed upon between the commission or its staff and the respondent. If a conciliation agreement is entered into, the commission shall issue and serve on the complainant an order stating its terms. A copy of the order shall be delivered to the respondent, the attorney general, and such other public officers and persons as the commission deems proper. Except for the terms of the conciliation agreement, neither the commission nor any officer or employee thereof shall make public, without the written consent of the complainant and the respondent, information concerning efforts in a particular case to eliminate an unlawful practice by conference, conciliation, or persuasion whether or not there is a determination of probable cause or a conciliation agreement.

E. At the expiration of one year from the date of a conciliation agreement, and at other times in its reasonable discretion, the commission staff may investigate whether the terms of the agreement have been and are being complied with by the respondent. Upon a finding that the terms of the agreement are not being complied with by the respondent, the commission shall take such action as it deems appropriate to assure compliance.

F. At any time after a complaint is filed, the commission may file an action in the district court in a parish in which the subject of the complaint occurs, or in a parish in which a respondent resides or has his principal place of business, seeking appropriate temporary relief against the respondent pending final determination of proceedings under this Chapter, including an order or decree restraining him from doing or procuring any act tending to render ineffectual any order the commission may enter with respect to the complaint. The court may grant such temporary relief or restraining orders it deems just and proper.

G. Insofar as it is not inconsistent or in conflict with the procedure and practice provided by this Chapter, the Code of Civil Procedure shall apply to proceedings under this Chapter.

H. (1) The complainant may request termination of commission proceedings and the issuance of a notice of the right to file a civil action in district court against the respondent named in the charge, provided the commission has not entered into a conciliation agreement to which the complainant is a party, and further provided that any one of the following apply:

(a) The charge filed with the commission is dismissed by the commission.

(b) The commission has not filed a civil action pursuant to this Section within one hundred and eighty days from the filing of a charge and such charge is still pending.

(2) The notice of the right to file a civil action in district court against the respondent may be issued to any one or more of the following parties:

(a) The person claiming to be aggrieved.

(b) Any person who the charge alleges was aggrieved by the alleged unlawful practice, but only if such charge was filed by a member of the commission.

(3)(a) The complainant and the respondent may agree to submit the complaint to voluntary binding arbitration at any time after the filing of a complaint and prior to the taking of testimony at a public hearing. The submission agreement shall be in writing and shall be signed by all parties.

(b) The arbitration proceeding shall be administered by the commission, or such other party as the commission deems proper, pursuant to procedures adopted for the arbitration of cases submitted under the commission's authority. The commission shall select an arbitrator from a list provided and certified by a national recognized professional arbitration association. The selection shall be subject to agreement by all parties.

(c) The arbitrator shall have the same authority to hear and determine claims asserted under the human rights law as would the commission or a court of competent jurisdiction. The arbitrator shall also have such additional authority as the complainant(s) and respondent(s) may grant to the arbitrator.

(d) The determination and award of the arbitrator shall be final and binding. The determination and award of the arbitrator shall not be vacated, modified, or overturned except for reasons limited to corruption, fraud, or misconduct on behalf of any party in the obtaining of the determination and award.

(e) The complainant and respondent shall share equally in the administrative costs of the arbitration, including arbitrator fees, unless the commission, in good faith deems it necessary to utilize some other formula for sharing the cost of the arbitration.

(4) It shall be an unlawful practice for a party to a voluntary binding arbitration pursuant to this Subsection to violate the terms of the arbitration.

§ 2258. Conciliation agreements; violation unlawful

It is an unlawful practice for a party to a conciliation agreement made pursuant to [R.S. 51:2257\(D\)](#) to violate the terms of the agreement.

§ 2259. Notice and hearing; procedure

All procedures with regard to notices of complaint and hearings held by the commission shall be in accordance with the Administrative Procedure Act.

§ 2260. Documentary evidence; effect

The production of a written, printed, or visual communication, advertisement, or other form of publication, or a written inquiry, record, or other document purporting to have been made by an individual shall be prima facie evidence in a proceeding under this Chapter that it was authorized by the individual.

§ 2261. Findings of the commission; orders; nature of affirmative action

A. If the commission determines that the respondent has not engaged in an unlawful practice, the commission shall state its findings of fact and conclusions of law and shall issue an order dismissing the complaint. A copy of the order shall be delivered to the complainant, the respondent, the attorney general, and such other public officers and persons as the commission deems proper.

B. If the commission determines that the respondent has engaged in an unlawful practice, the commission shall state its findings of fact and conclusions of law and shall issue an order requiring the respondent to cease and desist from the unlawful practice and to take such affirmative action as in the judgment of the commission will carry out the purposes of this Chapter. A copy of the order shall be delivered to the respondent, the complainant, the attorney general, and to such other public officers and persons as the commission deems proper.

C. Affirmative action ordered under this Section may include but is not limited to:

(1) Hiring, reinstatement, or upgrading of employees with or without back pay. Interim earnings or amounts earnable with reasonable diligence by the person or persons discriminated against shall operate to reduce the back pay otherwise allowable.

(2) Admission or restoration of individuals to union membership, admission to or participation in a guidance program, apprenticeship training program, on-the-job training program, or other occupational training or re-training program, and the utilization of objective criteria in the admission of individuals to such programs.

(3) Admission of individuals to a place of public accommodation, resort, or amusement.

(4) The extension to all individuals of the full and equal enjoyment of the advantages, facilities, privileges, and services of the respondent.

(5) Reporting as to the manner of compliance.

(6) Posting notices in conspicuous places in the respondent's place of business in a form prescribed by the commission.

(7) Sale, exchange, lease, rental, assignment, or sublease of immovable property to an individual.

(8) Payment to the complainant of damages for injury caused by an unlawful practice, including compensation for humiliation and embarrassment, expenses incurred by the complainant in obtaining alternative housing accommodations, and other costs actually incurred by the complainant as a direct result of such unlawful practice.

D. The commission may publish or cause to be published the names of persons who have been determined to have engaged in an unlawful practice.

E. The proceeding for enforcement of a commission order shall be initiated by filing a complaint in the district court of the parish in which the subject of the complaint occurred or in the parish in which a respondent resides or has his principal place of business. Copies of the complaint shall be served upon all parties of record. Within thirty days after the filing of the complaint by the commission, or within such further time as the court may allow, the commission shall transmit to the court the original or a certified copy of the entire record upon which the order is based, including a transcript of testimony, which need not be printed. By stipulation of all parties to the proceeding, the record may be shortened.

F. The findings of fact of the commission shall be conclusive unless manifestly erroneous in view of the probative and substantive evidence on the whole record. The court may grant such temporary relief or restraining order as it deems just and may enter an order enforcing, modifying, and enforcing as modified, or setting aside in whole or in part the order of the commission, or remanding the case to the commission for further proceedings.

§ 2262. Investigations; powers; confidential nature of records

A. In connection with an investigation of a complaint filed under this Chapter, the commission or its designated representative at any reasonable time may request access to premises, records, and documents relevant to the complaint and the right to examine, photograph, and copy evidence.

B. Every person subject to this Chapter shall:

(1) Make and keep records relevant to the determination of whether unlawful practices have been or are being committed.

(2) Preserve such records for relevant periods.

(3) Make such reports therefrom as the commission shall prescribe by regulation or order, after public hearing, as reasonable, necessary, or appropriate for the enforcement of this Chapter or the regulations or orders thereunder.

C. The commission, by regulation, shall require each person subject to this Chapter which controls an appren-

ticeship or other training program to keep all records reasonably necessary to carry out the purpose of the Chapter, including, but not limited to, a list of applicants who wish to participate in such program, including the chronological order in which applications were received, and to furnish to the commission upon request a detailed description of the manner in which persons are selected to participate in the apprenticeship or other training programs.

D. A person who believes that the application to it of a regulation or order issued under this Section would result in undue hardship may apply to the commission for an exemption from the application of the regulation or order. If the commission finds that the application of the regulation or order to the person in question would impose an undue hardship, the commission may grant appropriate relief.

E. To avoid undue burdens on persons subject to this Chapter, records and reports required by the commission under this Section shall conform as near as may be to similar records and reports required by federal law and the laws of other states and to customary recordkeeping practice.

F. It is unlawful for a commissioner or employee of the commission to make public with respect to a particular person, without his consent, information obtained by the commission pursuant to its authority under this Section except as reasonably necessary to the conduct of a proceeding under this Chapter.

G. If a person fails to permit access, examination, photographing, or copying or fails to make, keep, or preserve records or make reports in accordance with this Section, the district court for the parish in which such person is found, resides, or has his principal place of business, upon application of the commission, may issue an order requiring compliance.

§ 2263. Subpoenas; issuance; enforcement

A. Upon written application to the commission, a party to a proceeding is entitled as of right to the issuance of subpoenas in the name of the commission by an individual designated pursuant to its rules requiring attendance and the giving of testimony and the production of documents. A subpoena so issued shall show on its face the name and address of the party at whose request the subpoena was issued. On petition of the individual to whom the subpoena is directed and notice to the requesting party, the commission or an individual designated pursuant to its rules may vacate or modify the subpoena.

B. Depositions of witnesses may be taken as prescribed by the Code of Civil Procedure.

C. If a person fails to comply with a subpoena, the district court for the parish in which the person is found, resides, or has his principal place of business, upon application of the commission or the party requesting the subpoena, may issue an order requiring compliance. In any proceeding brought under this Section, the court may modify or set aside the subpoena.

§ 2264. Civil remedies for injunction and damages

Any person deeming himself injured by any alleged violation of the provisions of this Chapter shall have a civil cause of action in district court to enjoin further violations and to recover the actual damages sustained by him, together with the costs of court and a reasonable fee for his attorney of record, all of which shall be in addition to any other remedies contained in this Chapter.

§ 2265. Judicial review

Judicial review of action by the commission may be sought in accordance with the Administrative Procedure Act. [FN1]

[FN1] R.S. 49:950 et seq.

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