

part of their job that might be based on regulations of the department for which they work. Let's take the Corrections Department case as an example so I can distinguish what I am talking about from what Senator Coordsen may have in mind. Let's say that the laws of this state requires that any agency before it can make rules apply to employees, or in this case the inmates, would have to be properly promulgated, properly noticed to everybody, and a copy given to every individual. And let's say that those procedures were not followed and an inmate were punished for violating a rule which was not properly handled by the Corrections Department. The individual who committed the act that would constitute the violation will be sued by the inmate. That individual, if the policy was found to be wrong, will be ruled against, and if the inmate suffered monetary damage, say something was confiscated or something was damaged, the only way that that money can come back to the individual is by assessing the award against the employee sued. But since the employee was functioning in his or her capacity as an employee pursuant to the policies and practices of the agency, we will reimburse that employee or indemnify that employee for the damages awarded. But if we have a situation where the employee, while acting as an employee, goes outside of what is allowed by the law and by the rules of the agency, then whatever damages are assessed because of that conduct outside of what can be considered within the scope of his or her employment, that person has those damages assessed against him or her in his or her individual capacity, meaning, that I went beyond what I can expect to be protected for as an employee. The line is drawn. Anything I do within that line as an employee, if somebody is damaged by it, will be reimbursed by the state so that I, as an employee, will not have to pay out of my pocket for doing my job as I was instructed to do it. Even if something wrong occurs, I was doing what my job required me to do, or could reasonably be believed by me to require me to do. When I go beyond that line and I engage in sexist conduct, I engage in sexist remarks, I deny a person a benefit of the job because of gender, that person who does such a thing is not to be indemnified because that is not a requirement of the job. As a matter of fact, it goes contrary to what the job requires and what the laws entail. If we are going to enact laws that prohibit gender discrimination, have an employee engage in gender discrimination and be found by a court to have done so, and be assessed damages, and then we, as a Legislature, pay for the damages against that employee, we are subsidizing the violation of the law that we passed. We allowed the court costs, I meant the