SLS 18RS-458 ORIGINAL

2018 Regular Session

1

SENATE BILL NO. 149

BY SENATOR MORRELL

EMPLOYMENT. Prohibits employers from requiring prospective employees to disclose wage information. (8/1/18)

AN ACT

2	To amend and reenact R.S. 23:332(H)(3) and to enact R.S. 23:332(A)(4), relative to
3	employment wages; to prohibit discrimination against an employee who discloses
4	his wages; to prohibit discrimination against an employee who inquires about the
5	wages of another employee; to prohibit certain nondisclosure agreements; to provide
6	for exceptions; and to provide for related matters.
7	Be it enacted by the Legislature of Louisiana:
8	Section 1. R.S. 23:332(H)(3) is hereby amended and reenacted and R.S.
9	23:332(A)(4) is hereby enacted to read as follows:
10	§332. Intentional discrimination in employment; wage disclosure
11	A. It shall be unlawful discrimination in employment for an employer to
12	engage in any of the following practices:
13	* * *
14	(4)(a)(i) Intentionally require, as a condition of employment, that an
15	employee refrain from inquiring about, discussing, or disclosing the amount of
16	his wages.
17	(ii) Require, as condition of employment, that an employee sign a

1	waiver, nondisclosure agreement, or other document that denies the employee
2	the right to inquire about, discuss, or disclose the amount of his wages.
3	(iii) Intentionally retaliate, discipline, discharge, or otherwise
4	discriminate against an employee who has inquired about, discussed, or
5	disclosed his own wages or inquired about or discussed wage information with
6	another employee who voluntarily discloses his own wage information.
7	(b) Nothing in this Paragraph shall be construed to create an obligation
8	for an employee to disclose his wage information.
9	(c) The protections provided in this Paragraph do not apply to any
10	employee who has access to wage information as a part of his job function
11	unless the employee is making a disclosure of his own wage information or
12	providing wage information pursuant to a charge, complaint, investigation,
13	court order, proceeding, hearing, or as required by law.
14	* * *
15	H. Notwithstanding any other provision of this Section, it shall not be
16	unlawful discrimination in employment for:
17	* * *
18	(3) An employer to apply different standards of compensation or different
19	terms, conditions, or privileges of employment pursuant to a bona fide seniority or
20	merit system, or a system which measures earnings by quantity or quality of
21	production, or any other differential based on any bona fide business factor other
22	than sex and other than disclosure of wages, or to employees who work in different
23	locations, provided that such differences are not the result of an intention to
24	discriminate because of race, color, religion, sex, or national origin.

25

The original instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by Carla S. Roberts.

DIGEST 2018 Regular Session

Morrell

SB 149 Original

<u>Present law</u> prohibits intentional discrimination on the basis of race, color, religion, sex, or national origin.

<u>Proposed law</u> retains <u>present law</u> but adds wage disclosure to the list of items which cannot be the subject of intentional discrimination.

<u>Proposed law</u> prohibits an employer from intentionally requiring, as a condition of employment, that an employee refrain from inquiring about, discussing, or disclosing the amount of his wages.

<u>Proposed law</u> prohibits an employer from requiring, as condition of employment, that an employee sign a waiver, nondisclosure, or other document that denies the employee the right to inquire about, discuss, or disclose the amount of his wages.

<u>Proposed law</u> prohibits an employer from intentionally retaliating, disciplining, or discharging, or otherwise discriminating against an employee who has inquired about, discussed, or disclosed his own wages or inquired about or discussed wage information with another employee who voluntarily discloses his own wage information.

<u>Proposed law</u> provides that nothing in <u>proposed law</u> shall be construed to create an obligation for an employee to disclose his wage information.

<u>Proposed law</u> provides that the protections provided in <u>proposed law</u> do not apply to any employee who has access to wage information as a part of his job function unless the employee is making a disclosure of his own wage information or providing wage information pursuant to a charge, complaint, investigation, court order, proceeding, hearing, or as required by law.

<u>Present law</u> provides that it shall not be unlawful discrimination in employment for an employer to apply different standards of compensation or different terms, conditions, or privileges of employment pursuant to a bona fide seniority or merit system, or a system that measures earnings by quantity or quality of production, or any other differential based on any factor other than sex, or to employees who work in different locations, provided that such differences are not the result of an intention to discriminate because of race, color, religion, sex, or national origin.

<u>Proposed law</u> retains <u>present law</u> but requires that factors other than sex and disclosure of wages must be a bona fide business factor.

Effective August 1, 2018.

(Amends R.S. 23:332(H)(3); adds R.S. 23:332(A)(4))