

2020 Regular Session

SENATE BILL NO. 136

BY SENATOR CARTER

EMPLOYMENT. Provides for an increase in state minimum wage. (gov sig)

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AN ACT

To enact Chapter 6-B of Title 23 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 23:671 through 677, relative to minimum wage; to provide for state minimum wage; to provide for annual increases to the minimum wage; to provide for enforcement; to provide for exceptions; to provide relative to a civil action; to provide for venue; to provide for damages; to provide for reporting of certain information; to provide for terms, conditions, and procedure; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. Chapter 6-B of Title 23 of the Louisiana Revised Statutes of 1950, comprised of R.S. 23:671 through 677, is hereby enacted to read as follows:

CHAPTER 6-B. MINIMUM WAGE

§671. Minimum wage; establishment

A.(1) Notwithstanding any provision of law to the contrary, beginning January 1, 2021, the state minimum wage shall be set at ten dollars per hour. Every employer in the state shall pay to each employee wages at a rate of not less than ten dollars per hour for hours worked in a pay period, regardless of

1 how the time at work is measured.

2 (2) Beginning January 1, 2022, and each January first thereafter, the
3 minimum wage shall be increased by the percentage increase of the Consumer
4 Price Index for all Urban Consumers (CPI-U), or its successor index, as
5 calculated by the United States Department of Labor, or its successor agency,
6 for the twelve months preceding the previous September first. The minimum
7 wage shall be rounded off to the nearest five cents. The minimum wage shall not
8 be decreased in the event of a decrease in the CPI-U.

9 (3)(a) The executive director of the Louisiana Workforce Commission
10 shall calculate the new minimum wage annually in accordance with the
11 provisions of this Section.

12 (b) On or before October first of each year, the executive director shall
13 publish on the commission's website the new minimum wage rate in effect
14 January first of the next year.

15 B. If, at any time, the federal minimum hourly wage rate set by Section
16 6 of the federal Fair Labor Standards Act of 1938, or a successor federal law,
17 is raised to a level higher than the state minimum wage rate, then the state
18 minimum wage rate shall be increased to the level of the federal minimum wage
19 rate.

20 §672. Enforcement

21 The executive director of the Louisiana Workforce Commission shall
22 enforce the provisions of this Chapter, and if necessary, adopt rules in the
23 accordance with the Administrative Procedure Act, R.S. 49:950 et seq., to
24 implement the provisions of this Chapter.

25 §673. Civil action; venue

26 A. An employee shall have the right to file an action to enforce a wage
27 claim against the employer and proceed pursuant to the Code of Civil
28 Procedure Article 2592.

29 B. Notwithstanding any provision of law to the contrary, the civil action

1 may be instituted in a parish, city, or district court of proper venue as follows:

2 (1) If the employer is a person, natural or juridical, venue shall be
3 proper in the parish where the plaintiff is domiciled, or the parish where the
4 work or service subject to minimum wage was performed, or a parish of proper
5 venue pursuant to the general rules of venue pursuant to Code of Civil
6 Procedure Article 42.

7 (2) If the employer is the state, venue shall be proper in the Nineteenth
8 Judicial District Court in East Baton Rouge Parish.

9 (3) If the employer is a public entity other than the state, venue shall be
10 proper in the parish of such entity's domicile.

11 §674. Damages

12 An employer who violates the provisions of this Chapter shall pay the
13 affected employee the difference between wages actually paid to the employee
14 and the minimum wage rate in effect at the time the employee was paid for each
15 hour worked, plus reasonable attorney fees and court costs.

16 §675. Limitation of action

17 A civil action filed to recover wages for a violation of this Chapter shall
18 be commenced within three years from the date that an employee becomes
19 aware that the employer is in violation of the provisions of this Chapter.

20 §676. Notification and reporting; clerk of court; commission

21 A. Beginning February 1, 2021, the clerk for each court shall maintain
22 a docket for the record of cases filed pursuant to the provisions of this Chapter.
23 Such dockets shall be submitted monthly to the Louisiana Workforce
24 Commission.

25 B.(1) Beginning January 1, 2022, the Louisiana Workforce Commission
26 shall compile an annual report with the following information from the
27 preceding calendar year:

28 (a) The name of each employer who violated the provisions of this
29 Chapter.

Proposed law provides that the executive director of the commission shall enforce the minimum wage law, and if necessary, adopt rules in accordance with the Administrative Procedure Act to implement proposed law.

Proposed law provides that an employee shall have the right to file an action to enforce a wage claim against the employer through a summary proceeding as provided by the La. Code of Civil Procedure.

Proposed law provides relative to venue and damages.

Proposed law provides for prescriptive period of three years from the date that an employee becomes aware that the employer violated the minimum wage law.

Proposed law provides that the clerk of each court shall maintain a docket for the record of cases filed pursuant to proposed law and requires such dockets be submitted to the commission monthly.

Proposed law requires that beginning January 1, 2022, the commission shall compile an annual report containing certain information from the preceding calendar year and shall submit such report to the legislature and governor on or before March 1, 2022. Such report shall be submitted annually on or before March first of each year.

Proposed law does not apply to a student learner, defined by federal law, who is employed by any of the following:

- (1) The state.
- (2) State colleges and universities.
- (3) A private employer

Proposed law provides that the minimum wage for student learners shall not be less than 75% of the minimum wage rate in effect in the state.

Effective upon signature of the governor or lapse of time for gubernatorial action.

(Adds R.S. 23:671-677)