
DIGEST

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HB 311 Original

2022 Regular Session

Marcelle

Abstract: Establishes a state minimum wage rate.

Proposed law establishes a state minimum wage and sets it at \$10 per hour beginning Jan. 1, 2023.

Proposed law provides that the state minimum wage shall be \$12 per hour beginning Jan. 1, 2024.

Proposed law requires that if the federal minimum wage is raised, the state minimum wage shall also be raised to that level.

Proposed law provides that in addition to any other remedy provided by law, an employee shall have a civil right of action for damages against an employer for a violation of the provisions of proposed law.

Proposed law provides that the employee may file a civil action in a parish, city, or district court of proper venue in the following manner:

- (1) If the employer is a natural or juridical person, venue for the civil action shall be proper if brought in the parish where the plaintiff is domiciled, or the parish where the work or service subject to minimum wage was performed, or a parish of proper venue pursuant to present law.
- (2) If the employer is the state, venue for the civil action shall be proper in the 19th Judicial District Court in East Baton Rouge Parish.
- (3) If the employer is a public entity other than the state, venue shall be proper in the parish of its domicile.

Proposed law provides that any employer who violates the provisions of proposed law shall be liable to the affected employee in the amount of the difference between the amount that the employee was paid and the amount the employer was statutorily obligated to pay, plus reasonable attorney fees and court costs associated with the civil action.

Proposed law provides that any civil action filed to recover wages for a violation of proposed law shall be commenced within 3 years from the date that an employee becomes aware that the employer is in violation of proposed law.

Proposed law provides that on each March 1st, and annually thereafter, the LWC shall compile a list of the names of the employers who violated the provisions of proposed law, the number of employees affected, and the dollar amount of each violation. Proposed law further provides that the LWC shall submit an annual list of the aforementioned information to the House and Senate committees on labor and industrial relations and the governor's office.

Proposed law provides that proposed law shall not apply to student employees of private employers and to tipped and agriculture employees as defined by federal laws.

Proposed law provides that the LWC shall enforce proposed law and is authorized and directed to promulgate rules and regulations in accordance with present law, necessary for the implementation of the provisions of proposed law.

Proposed law provides that city, parish, and district clerks of court shall maintain a docket of the record of cases filed pursuant to proposed law. Proposed law further provides that these dockets shall be submitted monthly to the Louisiana Workforce Commission (LWC).

Proposed law provides that the clerk of the civil district court for Orleans Parish shall maintain a docket of the record of cases file pursuant to proposed law. Proposed law further provides that these dockets shall be submitted monthly to the Louisiana Workforce Commission (LWC).

Beginning Feb. 1, 2023, dockets required by proposed law shall be submitted monthly to the Louisiana Workforce Commission.

Beginning March 1, 2024, the LWC shall compile the list of information required by proposed law.

Effective upon signature of governor or lapse of time for gubernational action.

(Adds R.S. 13:753.1 and 1217 and R.S. 23:671-677)