

Regular Session, 2014

HOUSE BILL NO. 645

BY REPRESENTATIVE HUNTER

EMPLOYMENT/WAGES-MINIMUM: Provides a state minimum wage

1 AN ACT

2 To enact Chapter 6-A of Title 23 of the Louisiana Revised Statutes of 1950, to be comprised  
3 of R.S. 23:671 through 674, relative to minimum wage; to establish a state minimum  
4 wage; to provide for penalties for violations; to provide for exceptions; and to  
5 provide for related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. Chapter 6-A of Title 23 of the Louisiana Revised Statutes of 1950,  
8 comprised of R.S. 23:671 through 674, is hereby enacted to read as follows:

9 CHAPTER 6-A. MINIMUM WAGE

10 §671. Minimum wage; establishment

11 A. Notwithstanding any other provision of law to the contrary, the state  
12 minimum wage established pursuant to this Chapter shall be the same as the federal  
13 minimum hourly wage rate set by Section 6 of the federal Fair Labor Standards Act  
14 of 1938, or a successor federal minimum wage law. Every employer in the state shall  
15 pay to each employee wages at a rate of not less than the amount of the federal  
16 minimum wage for hours worked in a pay period regardless of how the time at work  
17 is measured.

18 B. If a tipped employee's tips combined with the employer's direct wages of  
19 at least two dollars and thirteen cents an hour do not equal the minimum wage  
20 established in Subsection A, the employer shall pay the difference.

1           C. If, at any time, the federal minimum hourly wage rate is raised, then the  
2           state minimum wage rate shall be increased to the level of the federal minimum  
3           wage rate.

4           §672. Enforcement

5           The Louisiana Workforce Commission shall be responsible for the  
6           enforcement of this Chapter and is authorized and directed to promulgate rules and  
7           regulations under the provisions of the Administrative Procedures Act necessary for  
8           the implementation of the provisions of this Chapter.

9           §673. Penalties

10           A. Whoever violates the provisions of this Chapter shall be fined not less  
11           than five hundred dollars and not more than one thousand dollars per employee not  
12           receiving minimum wage. The employer shall pay the employee the difference  
13           between the wages actually paid to the employee and the minimum wage rate in  
14           effect at the time the employee was paid.

15           B. Penalties may be imposed by a ruling of the executive director pursuant  
16           to an adjudicatory hearing held in accordance with the Administrative Procedure Act,  
17           R.S. 49:950 et seq.

18           §674. Exceptions

19           The provisions of this Chapter shall not apply to student employees of the  
20           state or student employees of state colleges and universities.

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

Hunter

HB No. 645

**Abstract:** Establishes a state minimum wage.

Proposed law establishes a state minimum wage and provides that it shall be the same as the federal minimum wage.

Proposed law requires that the employers of tipped employees make up the difference between the \$2.13 per hour paid to the employee plus tips and the state minimum wage.

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

Proposed law provides a fine of not less than \$500 and not more than \$1,000 per employee for failure to pay minimum wage.

Proposed law further requires that an employer who fails to pay his employee minimum wage shall pay the employee the difference between what the employee was paid, and minimum wage.

Proposed law provides that Louisiana Workforce Commission(LWC) shall be in charge of enforcement of the minimum wage laws and authorizes the agency to promulgate rules and regulations necessary in its implementation.

Proposed law provides the procedure for the executive director of LWC to impose penalties.

Proposed law excludes student workers employed with the state and with state colleges and universities from the minimum wage requirement.

(Adds R.S. 23:671-674)