

Regular Session, 2014

SENATE BILL NO. 322

BY SENATOR MURRAY

EMPLOYMENT. Provides relative to the "Equal Pay for Women Act". (8/1/14)

1 AN ACT

2 To amend and reenact R.S. 23:655(B), 667(B), and R.S. 51:2231(C), 2232(12), and 2235(9),
3 relative to the Equal Pay for Women Act; to provide for prohibited discrimination
4 in employment; to provide for jurisdiction; to provide for prescription; to provide for
5 suspension of prescription; to provide for agencies; and to provide for related
6 matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. R.S. 23:665(B) and 667(B), are hereby amended and reenacted to read as
9 follows:

10 §665. Complaint procedure

11 * * *

12 B. If an employer fails to resolve the dispute to the satisfaction of such
13 employee within the time provided herein, the employee may file a complaint with
14 the commission requesting an investigation of the complaint pursuant to R.S. ~~23:301~~
15 **51:2257**.

16 * * *

17 §667. Limitation of actions

* * *

B. This one-year prescriptive period shall be suspended during the sixty-day period allowed the employer by this Chapter to respond to the employee's written notice, during the pendency of any administrative review or investigation of the employee's claim by the ~~commission~~ Louisiana Commission on Human Rights or the United States ~~Department of Labor~~ Equal Employment Opportunity Commission, or both.

Section 2. R.S. 51:2231(C), 2232(12), and 2235(9) are hereby amended and reenacted read as follows:

§2231. Statement of purpose; limitation on prohibitions against discrimination because of age

* * *

C. The Louisiana Commission on Human Rights shall have enforcement powers including adjudication of claims of discrimination prohibited by R.S. 23:312, 323, and 332, sickle cell trait discrimination prohibited by R.S. 23:352, and discrimination because of pregnancy prohibited by R.S. 23:341 et seq., and pay discrimination prohibited by R.S. 23:664.

§2232. Definitions

As used in this Chapter:

* * *

(12) "Discriminatory practice in connection with employment" means an employment practice prohibited by R.S. 23:312, 323, ~~or 332,~~ or 664.

* * *

§2235. Powers and duties of commission

In the enforcement of this Chapter, the commission shall have the following powers and duties:

* * *

(9) To receive, initiate, investigate, seek to conciliate, hold hearings on, and pass upon complaints alleging violations of this Chapter or Chapter 3-A or

Chapter 6-A of Title 23 of the Louisiana Revised Statutes of 1950.

* * *

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

DIGEST

Murray (SB 322)

Present law prohibits any employer, whether public or private, from intentionally discriminating against an employee on the basis of sex.

Present law prohibits employment discrimination against women who are state government employees, whether the discrimination is intentional or unintentional, which is known as the "Louisiana Equal Pay for Women Act".

Present law provides that if an employer fails to resolve the dispute to the satisfaction of such employee within the time provided herein, the employee may file a complaint in court pursuant to the "Louisiana Employment Discrimination Law".

Proposed law provides that a complaint be filed with the Louisiana Commission on Human Rights.

Present law provides that a one-year prescriptive period shall be suspended during the 60 day period allowed for the employer to respond to the employee's written notice, during the pendency of any administrative review or investigation of the employee's claim by the commission or the United States Department of Labor, or both.

Proposed law retains present law but provides that the prescriptive period regarding the employees claim be suspended when filed with the Louisiana Commission on Human Rights but changes the alternative filing from the United States Department of Labor to the U.S. Equal Employment Opportunity Commission.

Present law provides that the Louisiana Commission on Human Rights is a state commission which enforces the policies embodied in the Federal Civil Rights Act of 1964, 1968, and 1972 and the Age Discrimination in Employment Act of 1967. Present law provides that Louisiana Commission on Human Rights accepts the deferral of cases from the federal Equal Employment Opportunity Commission.

Present law provides that the Louisiana Commission on Human Rights shall have enforcement powers including adjudication of claims of discrimination on the basis of age, race, color, religion, sex, or national origin.

Proposed law retains present law but provides that the Louisiana Commission on Human Rights shall also have jurisdiction over matters associated with the "Louisiana Equal Pay for Women Act".

Effective August 1, 2014.

(Amends R.S. 23:665(B), 667(B), R.S. 51:2231(C), 2232(12), and 2235(9))