

SENATE BILL NO. 359

BY SENATOR DONAHUE

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AN ACT

To amend and reenact R.S. 23:332(A) and (H)(3) and 632, relative to wages; to provide with respect to employers' failure to pay wages; to provide for penalties; to provide for limitation of penalties; to provide for good faith exception; to provide with respect to employment discrimination; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 23:332(A) and (H)(3) and 632 are hereby amended and reenacted to read as follows:

§332. Intentional discrimination in employment

A. It shall be unlawful discrimination in employment for an employer to engage in any of the following practices:

(1) Intentionally fail or refuse to hire or to discharge any individual, or otherwise to intentionally discriminate against any individual with respect to his compensation, or his terms, conditions, or privileges of employment, because of the individual's race, color, religion, sex, or national origin.

(2) Intentionally limit, segregate, or classify his employees or applicants for employment in any way which would deprive or tend to deprive any individual of employment opportunities, or otherwise adversely affect his the individual's status as an employee, because of the individual's race, color, religion, sex, or national origin.

(3) Intentionally pay wages to an employee at a rate less than that of another employee of the opposite sex for equal work on jobs in which their performance requires equal skill, effort, and responsibility, and which are performed under similar working conditions. An employer paying wages in violation of this Section may not reduce the wages of any other employee in

1 order to comply with this Section.

2 * * *

3 H. Notwithstanding any other provision of this Section, it shall not be
4 unlawful discrimination in employment for:

5 * * *

6 (3) An employer to apply different standards of compensation or different
7 terms, conditions, or privileges of employment pursuant to a bona fide seniority or
8 merit system, or a system which measures earnings by quantity or quality of
9 production, or any other differential based on any factor other than sex, or to
10 employees who work in different locations, provided that such differences are not
11 the result of an intention to discriminate because of race, color, religion, sex, or
12 national origin.

13 * * *

14 §632. Liability of employer for failure to pay; attorney fees; good-faith exception

15 A. Any Except as provided for in Subsection B of this Section, any
16 employer who fails or refuses to comply with the provisions of R.S. 23:631 shall be
17 liable to the employee either for ninety days wages at the employee's daily rate of
18 pay, or else for full wages from the time the employee's demand for payment is made
19 until the employer shall pay or tender the amount of unpaid wages due to such
20 employee, whichever is the lesser amount of penalty wages.

21 B. When the court finds that an employer's dispute over the amount of
22 wages due was in good faith, but the employer is subsequently found by the
23 court to owe the amount in dispute, the employer shall be liable only for the
24 amount of wages in dispute plus judicial interest incurred from the date that the
25 suit is filed. If the court determines that the employer's failure or refusal to pay
26 the amount of wages owed was not in good faith, then the employer shall be
27 subject to the penalty provided for in Subsection A of this Section.

28 C. Reasonable attorney fees shall be allowed the laborer or employee by the
29 court which shall be taxed as costs to be paid by the employer, in the event a well-
30 founded suit for any unpaid wages whatsoever be filed by the laborer or employee

1 after three days shall have elapsed from time of making the first demand following
2 discharge or resignation.

PRESIDENT OF THE SENATE

SPEAKER OF THE HOUSE OF REPRESENTATIVES

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____