
DIGEST

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HB 384 Original

2017 Regular Session

Broadwater

Abstract: Requires pay equality for employees in the state regardless of sex.

Present law requires that women who are employed by the state or a political subdivision of the state be paid the same as men employed by the state.

Proposed law repeals present law but expands the requirement that all citizens of the state employed by either a public or a private employer be paid equally for equal work, regardless of sex. Further, proposed law provides exceptions; paying an employee less than another employee is not discrimination if the differential is on the basis of a seniority system, a merit system, a system that measures earnings based on quality or quantity of production, or if the difference in compensation is based on a bonafide factor other than sex.

Proposed law prohibits any employer from taking any retaliatory action against any employee for inquiring about, disclosing, comparing, or otherwise discussing wage information.

Proposed law further prohibits an employer from taking any retaliatory action against an employee because the employee is exercising or attempting to exercise the rights given pursuant to proposed law including filing a complaint, providing information in any proceeding relating to his rights or the rights to another employee, or testifying at any proceeding regarding those rights.

Proposed law specifies that the agreement of an employee to be compensated less is not a defense to a violation of proposed law.

Proposed law provides that if an employee has a complaint regarding the rights afforded him by proposed law, that he give notice to his employer of his complaint and allot 60 days during which the employer can address the issues.

Proposed law provides that if the employer fails to address the issue within the 60 days, that the employee may file a complaint with the La Commission on Human Rights, who, in turn, has 180 days to investigate and render a decision.

Proposed law prohibits an employee from filing a civil suit during the time period during which the commission is investigating his complaint.

Proposed law provides for damages and attorney fees when the actions of an employer are found to have been discriminatory or retaliatory.

Proposed law provides a procedure for instances in which an employee has brought a frivolous claim, and provides a one year period of prescription.

Proposed law requires that employer create and preserve employee records and maintain those records for a period of 3 years during the employee's employment and for a period of 1 year after separation of employment.

Proposed law creates a public records exception.

(Amends R.S. 23:302(intro. para.), R.S. 44:4.1(B)(12), and R.S. 51:2256(intro. para.); Adds R.S. 23:334.1 through 334.8; Repeals R.S. 23:332(A)(3) and R.S. 23:661 through 669)