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The original instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by Yoursheka George.

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DIGEST

SB 401 Original

2020 Regular Session

Peterson

Proposed law establishes a state minimum wage and sets it at \$11.00 per hour beginning January 1, 2021.

Proposed law provides that the state minimum wage shall be \$13.00 per hour beginning on January 1, 2023.

Proposed law provides that the state minimum wage shall be \$15.00 per hour beginning on January 1, 2025.

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 will have the right to file a civil lawsuit for damages against the employer for a violation of the provisions of proposed law.

Proposed law provides that the employee's civil lawsuit may be filed in a parish, city, or district court of proper venue in the following manner:

- (1) If the employer is a natural person or a corporation, partnership or limited liability company, the employee's lawsuit will 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 the general rules of venue as set forth in the La. Code of Civil Procedure.
- (2) If the employer is the state, venue for the civil action will 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, a local government or a local political subdivision, venue will be proper in the parish of its domicile.

Proposed law provides that an employer who violates the provisions of proposed law by paying an employee less than the state minimum wage will 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 a lawsuit filed by the employee to recover wages for a violation of

proposed law must be commenced within three years from the date that an employee becomes aware that the employer is in violation of proposed law.

Proposed law requires the clerk for each court to maintain a docket for the record of cases filed that are filed pursuant to the provisions of proposed law. Provides that beginning February 1, 2021, the dockets shall be submitted monthly to the Louisiana Workforce Commission.

Proposed law requires the La. Workforce Commission to 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 and submit an annual list of such information to the Senate Committee on Labor and Industrial Relations, the House Committee on Labor and Industrial Relations, and to the governor's office.

Proposed law provides a civil fine of not less than \$100 and not more than \$500 per employee, per day, for each violation for failure to pay minimum wage.

Proposed law provides that, in determining the amount of the civil fine, or penalty, the secretary will consider the appropriateness of the amount of the civil fine by considering the size of the business and the gravity of the violation.

Proposed law shall not apply to any of the following:

- (1) Student employees of the state.
- (2) Student employees of state colleges and universities.
- (3) Student employees of a private employer.

Proposed law shall not apply to tipped employees and agriculture employees who are also exempted from the standard federal minimum wage laws.

Proposed law authorizes the La. Workforce Commission to promulgate rules and regulations pursuant to the provisions of the Administrative Procedure Act that may be necessary for the implementation of the provisions of proposed law.

Proposed law provides for the creation of an account in the Employment Security Administration Fund, which will be known as the "Minimum Wage Enforcement Account."

Proposed law provides that all civil fines, or penalties, and interest collected from employers under the provisions of proposed law shall be deposited into the account.

Proposed law provides that, after allocation of money to the Bond Security and Redemption Fund, the treasurer will deposit in and credit to the account the revenues as provided for in proposed law.

Proposed law provides that the monies in the account shall be used to pay for all costs associated

with the enforcement of the provisions of proposed law as determined to be necessary by the secretary.

Proposed law provides that all monies in the account shall be deposited, administered, and disbursed in the same manner and under the same conditions and requirements as is provided for in the Employment Security Administration Fund.

Effective upon signature of the governor or lapse of time for gubernatorial action.

(Adds R.S. 23:671-678 and 1516)