

2022 Regular Session

HOUSE BILL NO. 311

BY REPRESENTATIVES MARCELLE AND GREEN

EMPLOYMENT/WAGES-MINIMUM: Establishes a state minimum wage rate

1 AN ACT

2 To enact R.S. 13:753.1 and 1217 and Chapter 6-B of Title 23 of the Louisiana Revised  
3 Statutes of 1950, to be comprised of R.S. 23:671 through 677, relative to minimum  
4 wage; to establish a state minimum wage; to provide for an annual increase of the  
5 minimum wage; to provide for civil remedies; to provide for damages; to provide for  
6 venue; to provide for the limitation of actions; to require reporting of certain  
7 information by the city, parish, and district clerks of court; to provide for exceptions;  
8 to provide for enforcement; to provide for effectiveness; and to provide for related  
9 matters.

10 Be it enacted by the Legislature of Louisiana:

11 Section 1. R.S. 13:753.1 and 1217 are hereby enacted to read as follows:

12 §753.1. Reporting of information to the Louisiana Workforce Commission for  
13 employer violation of wage payments

14 A. Each city, parish, and district clerk of court shall maintain a docket of the  
15 record of cases filed pursuant to R.S. 23:672.

16 B. The dockets required by Subsection A of this Section shall be submitted  
17 monthly to the Louisiana Workforce Commission.

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1        §1217. Reporting of information to the Louisiana Workforce Commission for  
2                    employer violation of wage payments

3                    A. The clerk of the civil district court shall maintain a docket of the record  
4                    of cases filed pursuant to R.S. 23:672.

5                    B. The dockets required by Subsection A of this Section shall be submitted  
6                    monthly to the Louisiana Workforce Commission.

7        Section 2. Chapter 6-B of Title 23 of the Louisiana Revised Statutes of 1950,  
8        comprised of R.S. 23:671 through 677, is hereby enacted to read as follows:

9                                    CHAPTER 6-B. MINIMUM WAGE

10        §671. Minimum wage; establishment

11                    A. Notwithstanding any other provision of law to the contrary, the state  
12                    minimum wage is established and set as follows:

13                    (1) Beginning January 1, 2023, the minimum wage shall be set at ten dollars  
14                    per hour. Every employer in the state shall pay to each employee wages at a rate of  
15                    not less than ten dollars per hour for hours worked in a pay period, regardless of how  
16                    the time at work is measured.

17                    (2) Beginning January 1, 2024, the minimum wage shall be set at twelve  
18                    dollars per hour. Every employer in the state shall pay to each employee wages at  
19                    a rate of not less than twelve dollars per hour for hours worked in a pay period,  
20                    regardless of how the time at work is measured.

21                    B. If, at any time, the federal minimum hourly wage rate set by Section 6 of  
22                    the federal Fair Labor Standards Act of 1938, or a successor federal law, is raised to  
23                    a rate higher than the state minimum wage rate, then the state minimum wage rate  
24                    shall be increased to the rate of the federal minimum wage rate.

25        §672. Civil Remedy

26                    A. In addition to any other remedy provided by law, an employee shall have  
27                    a civil right of action for damages against an employer for a violation of the  
28                    provisions of R.S. 23:671.

1            B. Notwithstanding any provision of law to the contrary, such civil action  
2            may be instituted in a parish, city, or district court of proper venue as follows:

3            (1) If the employer is a natural or juridical person, venue for the civil action  
4            shall be proper if brought in the parish where the plaintiff is domiciled, or the parish  
5            where the work or service subject to minimum wage was performed, or a parish of  
6            proper venue pursuant to the general rules of venue as set forth in Code of Civil  
7            Procedure Article 42.

8            (2) If the employer is the state, venue for the civil action shall be proper in  
9            the Nineteenth Judicial District Court in East Baton Rouge Parish.

10           (3) If the employer is a public entity other than the state, venue shall be  
11           proper in the parish of its domicile.

12           §673. Damages

13           Any employer who violates the provisions of R.S. 23:671 shall be liable to  
14           the affected employee in the amount of the difference between the amount that the  
15           employee was paid and the amount the employer was statutorily obligated to pay  
16           pursuant to R.S. 23:671, plus reasonable attorney fees and court costs associated with  
17           the civil action.

18           §674. Limitation of action

19           Any civil action filed to recover wages for a violation of this Chapter shall  
20           be commenced within three years from the date that an employee becomes aware  
21           that the employer is in violation of this Chapter.

22           §675. Notification of information

23           A.(1) The clerk for each court, including the civil district court for the parish  
24           of Orleans, shall maintain a docket for the record of cases filed pursuant to the  
25           provisions of this Chapter.

26           (2) The dockets required in Subsection A of this Section shall be submitted  
27           monthly to the Louisiana Workforce Commission.

28           B. Each March first, and annually thereafter, the Louisiana Workforce  
29           Commission shall compile a list of the names of the employers who have violated

1 the provisions of this Chapter, the number of employees affected thereby, and the  
2 dollar amount of each violation and submit the list of such information to the House  
3 and Senate committees on labor and industrial relations and the office of the  
4 governor.

5 §676. Exceptions

6 The provisions of this Chapter shall not apply to the following:

7 (1) Student employees of private employers.

8 (2) Tipped employees and agriculture employees as defined by the federal  
9 Fair Labor Standards Act of 1938, or a successor federal law.

10 §677. Enforcement

11 The Louisiana Workforce Commission shall enforce this Chapter and is  
12 authorized and directed to promulgate rules and regulations in accordance with the  
13 Administrative Procedure Act, R.S. 49:950 et seq., necessary for the implementation  
14 of the provisions of this Chapter.

15 Section 3.(A) The monthly dockets required by the provisions of R.S. 13:753.1 and  
16 1217 and R.S. 23:675 as enacted by Sections 1 and 2 of this Act shall be due beginning  
17 February 1, 2023.

18 (B) The list required to be compiled and submitted by the Louisiana Workforce  
19 Commission as required by the provisions of R.S. 23:675 as enacted by Section 2 of this Act  
20 shall be due beginning March 1, 2024.

21 Section 4. This Act shall become effective upon signature by the governor or, if not  
22 signed by the governor, upon expiration of the time for bills to become law without signature  
23 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If  
24 this Act is vetoed by the governor and subsequently approved by the legislature, this Act  
25 shall become effective on the day following such approval.

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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)]

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HB 311 Original

2022 Regular Session

Marcelle

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

Proposed law establishes a state minimum wage and sets it at \$10 per hour beginning Jan. 1, 2023.

Proposed law provides that the state minimum wage shall be \$12 per hour beginning Jan. 1, 2024.

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 shall have a civil right of action for damages against an employer for a violation of the provisions of proposed law.

Proposed law provides that the employee may file a civil action in a parish, city, or district court of proper venue in the following manner:

- (1) If the employer is a natural or juridical person, venue for the civil action shall 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 present law.
- (2) If the employer is the state, venue for the civil action shall be proper in the 19<sup>th</sup> Judicial District Court in East Baton Rouge Parish.
- (3) If the employer is a public entity other than the state, venue shall be proper in the parish of its domicile.

Proposed law provides that any employer who violates the provisions of proposed law shall 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 any civil action filed to recover wages for a violation of proposed law shall be commenced within 3 years from the date that an employee becomes aware that the employer is in violation of proposed law.

Proposed law provides that on each March 1<sup>st</sup>, and annually thereafter, the LWC shall 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. Proposed law further provides that the LWC shall submit an annual list of the aforementioned information to the House and Senate committees on labor and industrial relations and the governor's office.

Proposed law provides that proposed law shall not apply to student employees of private employers and to tipped and agriculture employees as defined by federal laws.

Proposed law provides that the LWC shall enforce proposed law and is authorized and directed to promulgate rules and regulations in accordance with present law, necessary for the implementation of the provisions of proposed law.

Proposed law provides that city, parish, and district clerks of court shall maintain a docket of the record of cases filed pursuant to proposed law. Proposed law further provides that these dockets shall be submitted monthly to the Louisiana Workforce Commission (LWC).

Proposed law provides that the clerk of the civil district court for Orleans Parish shall maintain a docket of the record of cases file pursuant to proposed law. Proposed law further provides that these dockets shall be submitted monthly to the Louisiana Workforce Commission (LWC).

Beginning Feb. 1, 2023, dockets required by proposed law shall be submitted monthly to the Louisiana Workforce Commission.

Beginning March 1, 2024, the LWC shall compile the list of information required by proposed law.

Effective upon signature of governor or lapse of time for gubernational action.

(Adds R.S. 13:753.1 and 1217 and R.S. 23:671-677)