

2022 Regular Session

HOUSE BILL NO. 472

BY REPRESENTATIVE PHELPS

EMPLOYMENT/WAGES: Provides relative to wages for tipped employees

1 AN ACT

2 To enact Chapter 6-B of Title 23 of the Louisiana Revised Statutes of 1950, to be comprised  
3 of R.S. 23:671, relative to minimum wage; to establish a minimum wage for tipped  
4 employees; to provide for direct wages and gratuities; to provide for disputes  
5 between employees and employers; and to provide for related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. Chapter 6-B of Title 23 of the Louisiana Revised Statutes of 1950,  
8 comprised of R.S. 23:671, is hereby enacted to read as follows:

9 CHAPTER 6-B. MINIMUM WAGE

10 §671. Minimum wage; tipped employees; establishment

11 A. For the purposes of this Chapter, "tipped employee" means any employee  
12 who customarily and regularly receives gratuities from patrons or others.

13 B.(1) An employer shall pay a tipped employee a direct wage not less than  
14 four dollars and twenty-six cents per hour, if the tipped employee's total combined  
15 wage of gratuities and direct wage at least equal the federal minimum wage rate set  
16 by the Fair Labor Standards Act.

17 (2) If the gratuities received by the tipped employee combined with the  
18 direct wage paid by the employer do not at least equal the federal minimum wage  
19 rate set by the Fair Labor Standards Act, the employer shall make up the difference.

1           C. Any portion of gratuities paid to an employee that is subject to a tip  
2           pooling agreement or similar arrangement shall not constitute as gratuities received  
3           by the employee.

4           D. If a dispute arises between the tipped employee and employer with  
5           respect to the amount of gratuities received by the tipped employee, it shall be the  
6           employer's burden to prove the exact amount of gratuities the tipped employee  
7           received.

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)]

HB 472 Original

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Phelps

**Abstract:** Establishes a minimum direct wage of \$4.26 per hour for tipped employees.

Proposed law defines a tipped employee as any employee who customarily and regularly receives gratuities from patrons or others.

Proposed law provides that an employer shall pay a tipped employee a direct wage of \$4.26 per hour, only if the employee's combined wage of gratuities and direct wage at least equal the federal minimum wage rate set by federal law. Proposed law further provides that if that combined amount is lower than the federal minimum wage rate set by federal law, then the employer shall make up the difference.

Proposed law provides that any portion of gratuities paid to an employee that is subject a tip pooling agreement or similar arrangement shall not be considered gratuities.

Proposed law provides that if a dispute arises between the tipped employee and employer with respect to the amount of gratuities received by the employee, it shall be the employer's burden to prove the exact amount of gratuities the tipped employee received.

(Adds R.S. 23:671)