

2024 Regular Session

HOUSE BILL NO. 290

BY REPRESENTATIVE MARCELLE

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.

18 * * *

CODING: Words in ~~struck through~~ type are deletions from existing law; words underscored are additions.

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, 2025, 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, 2026, 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 commence within three years from the date that an employee becomes aware that the
21 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, 2025.

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, 2026.

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.

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 290 Original

2024 Regular Session

Marcelle

Abstract: Establishes a state minimum wage rate.

Proposed law requires each city, parish, and district clerk of court to maintain a docket of the record of cases filed pursuant to proposed law. Proposed law further requires these dockets to be submitted monthly to the La. Workforce Commission (LWC).

Proposed law requires the clerk of the civil district court for Orleans Parish to maintain a docket of the record of cases filed pursuant to proposed law. Proposed law further requires these dockets to be submitted monthly to the LWC.

Proposed law establishes a state minimum wage and sets it at \$10 per hour beginning Jan. 1, 2025.

Proposed law provides that the state minimum wage shall be \$12 per hour beginning Jan. 1, 2026.

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 19th 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 commence 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 1st, 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 exempts student employees of private employers and 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.

Beginning Feb. 1, 2025, dockets required by proposed law shall be submitted monthly to the LWC.

Beginning March 1, 2026, the LWC shall compile the list of information required by proposed law.

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

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