

Regular Session, 2014

HOUSE BILL NO. 677

BY REPRESENTATIVE HUNTER

EMPLOYMENT/WAGES-MINIMUM: Provides for a local minimum wage for Ouachita Parish

1 AN ACT

2 To enact R.S. 23:643 and 644, relative to minimum wage; to establish a minimum wage in
3 Ouachita Parish; to provide for an increase after one year; to provide for tipped
4 employees; to provide for penalties; and to provide for related matters.

5 Notice of intention to introduce this Act has been published
6 as provided by Article III, Section 13 of the Constitution of
7 Louisiana.

8 Be it enacted by the Legislature of Louisiana:

9 Section 1. R.S. 23:643 and 644 are hereby enacted to read as follows:

10 §643. Minimum wage; Ouachita Parish; establishment

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

13 (1) Beginning January 1, 2015, the minimum wage shall be set at seven
14 dollars and twenty-five cents per hour. Every employer in the parish of Ouachita
15 shall pay to each employee wages at a rate of not less than seven dollars and twenty-
16 five cents per hour for hours worked in a pay period regardless of how the time at
17 work is measured.

18 (2) Beginning January 1, 2016, the minimum wage shall be set at eight
19 dollars and twenty-five cents per hour. Every employer in the parish of Ouachita
20 shall pay to each employee wages at a rate of not less than eight dollars and twenty-

1 five cents per hour for hours worked in a pay period regardless of how the time at
2 work is measured.

3 B. If a tipped employee's tips combined with the employer's direct wages of
4 at least two dollars and thirteen cents an hour do not equal the minimum wage
5 established in Subsection A, the employer shall pay the difference.

6 C. If, at any time, the federal minimum hourly wage rate set by Section 6 of
7 the federal Fair Labor Standards Act of 1938, or a successor federal law, is raised to
8 a level higher than the state minimum wage rate, then the local minimum wage rate
9 shall be increased to the level of the federal minimum wage rate.

10 §644. Liability of employer for failure to pay minimum wage in Ouachita Parish;
11 penalties; attorney fees

12 A. An employee may bring suit in a court of competent jurisdiction against
13 his employer for a violation of R.S. 23:643.

14 B. Any employer who fails or refuses to comply with the provisions of R.S.
15 23:643 shall be liable to the employee for ninety days wages at the employee's daily
16 rate of pay as well as the difference between what the employee was paid and the
17 local minimum wage. Reasonable attorney fees shall be awarded to the employee
18 by the court which shall be taxed as costs to be paid by the employer, in the event a
19 well-founded suit for any unpaid wages filed by the employee.

20 Section 2. This Act shall take effect and become operative if and when the proposed
21 amendment of Article 3 of the Constitution of Louisiana contained in the Act which
22 originated as House Bill No. ___ of this 2014 Regular Session of the Legislature is adopted
23 at a statewide election and becomes effective.

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)]

Hunter

HB No. 677

Abstract: Establishes a local minimum wage in the parish of Ouachita.

Proposed law establishes a local minimum wage for the parish of Ouachita and sets it at \$7.25 per hour beginning January 1, 2015.

Proposed law provides that the local minimum wage for the parish of Ouachita shall be \$8.25 per hour beginning January 1, 2016.

Proposed law requires that the employers of tipped employees make up the difference between the \$2.13 per hour paid to the employee plus tips and the local minimum wage.

Proposed law requires that if the federal minimum wage is raised, the local minimum wage shall also be raised.

Proposed law provides a cause of action against an employer who fails to pay an employee local minimum wage.

Proposed law provides for a penalty of 90 days wages and the difference between what the employee was paid and the local minimum wage rate, as well as attorney fees, if the employee wins the suit.

Effective if and when the proposed amendment of Article 3 of the Constitution of La. contained in the Act which originated as House Bill No. ___ of this 2014 R.S. of the Legislature is adopted at a statewide election and becomes effective.

(Adds R.S. 23:643 and 644)