

SENATE SUMMARY OF HOUSE AMENDMENTS

**SB 359 By Senator Donahue**

**KEYWORD AND SUMMARY AS RETURNED TO THE SENATE**

EMPLOYMENT. Provides for intentional discrimination in employment and provides penalties for failure to pay certain wages. (8/1/14)

**SUMMARY OF HOUSE AMENDMENTS TO THE SENATE BILL**

1. Adds provisions concerning intentional discrimination in employment.

**DIGEST OF THE SENATE BILL AS RETURNED TO THE SENATE**

Donahue (SB 359)

Present law provides for unlawful intentional discrimination in employment.

Proposed law provides that intentional discrimination in employment includes if an employer who intentionally pay wages to an employee at a rate less than that of another employee of the opposite sex for equal work on jobs in which their performance requires equal skill, effort, and responsibility, and which are performed under similar working conditions. Prohibits an employer from reducing wages of any other employee in order to comply with proposed law.

Proposed law provides that it is not unlawful discrimination in employment for an employer to apply different standards of compensation or different terms, conditions or privileges of employment pursuant to any other differential based on any factor other than sex.

Present law provides that upon the discharge of any laborer or other employee of any kind, it shall be the duty of the person employing such laborer or other employee to pay the amount then due under the terms of employment, whether the employment is by the hour, day, week, or month, on or before the next regular payday or no later than 15 days following the date of discharge, whichever occurs first.

Present law provides that any employer who fails or refuses to pay wages to an employee who has been discharged shall be liable to the employee either for 90 days wages at the employee's daily rate of pay, or else for full wages from the time the employee's demand for payment is made until the employer shall pay or tender the amount of unpaid wages due to such employee, whichever is the lesser amount of penalty wages. Present law provides that reasonable attorney fees shall be allowed the laborer or employee by the court which shall be taxed as costs to be paid by the employer, in the event a well-founded suit for any unpaid wages whatsoever be filed by the laborer or employee after three days shall have elapsed from time of making the first demand following discharge or resignation.

Proposed law creates a good faith exception so that, when an employer disputes the amount of wages due and is subsequently found by the court to owe the amount in dispute, the employer shall be liable only for the amount of wages in dispute plus judicial interest incurred from the date that the suit is filed but the employer will not be liable for the penalty wages, so long as the employer was in good faith.

Proposed law provides that if the court determines that the employer's failure or refusal to pay the amount of wages owed, was not in good faith, then the employer shall be subject to the penalty provided for in present law.

Effective August 1, 2014.

(Amends R.S. 23:332(A) and (H)(3) and 632)

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