

2015 Regular Session

HOUSE BILL NO. 677

BY REPRESENTATIVE HUNTER

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

EMPLOYMENT/WAGES-MINIMUM: Provides with respect to minimum wage

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 through 675 and to repeal R.S. 642, relative to minimum wage; to
4 establish a state minimum wage; to raise the minimum wage paid to tipped workers;
5 to provide for penalties for violations; to provide for exceptions; to repeal the
6 prohibition of the establishment of mandatory local wage and benefit rates; and to
7 provide for related matters.

8 Be it enacted by the Legislature of Louisiana:

9 Section 1. Chapter 6-B of Title 23 of the Louisiana Revised Statutes of 1950,
10 comprised of R.S. 23:671 through 675, is hereby enacted to read as follows:

11 CHAPTER 6-B. MINIMUM WAGE

12 §671. Definitions

13 For the purposes of this Chapter, the following terms have the following
14 meanings ascribed to them:

15 (1) "Direct wages" means compensation paid by an employer to an employee
16 directly without the consideration of any tips the employee receives.

17 (2) "Employee" means an individual who works for an employer in exchange
18 for compensation. The term "employee" also includes any inmate housed in a parish
19 or state correctional facility who performs work.

1 (3) "Tipped employee" means an employee who engages in an occupation
2 in which he customarily and regularly receives more than thirty dollars per month
3 in tips.

4 §672. Minimum wage; establishment

5 A. The state minimum hourly wage rate is established and is seven dollars
6 and twenty-five cents per hour beginning January 1, 2016. Every employer in the
7 state shall pay to each employee, except tipped employees, wages at a rate of not less
8 than seven dollars and twenty-five cents per hour for hours worked in a pay period
9 regardless of how the time at work is calculated.

10 B. If at any time the federal minimum hourly wage rate set by Section 6 of
11 the federal Fair Labor Standards Act of 1938, or a successor federal law, is raised to
12 a level higher than the state minimum hourly wage rate, then the state minimum
13 hourly wage rate shall be increased to the level of the federal minimum hourly wage
14 rate.

15 §673. Tipped employees

16 Each employer of employees who are compensated by tips shall pay those
17 tipped employees direct wages as follows:

18 (1) Five dollars and twenty-five cents per hour, notwithstanding any tips
19 received, beginning on January 1, 2016.

20 (2) Seven dollars and twenty-five cents per hour, notwithstanding any tips
21 received, beginning on January 1, 2017.

22 §674. Liability of employer for failure to pay; attorney fees

23 A. If an employee believes that he has not been paid at least the state hourly
24 minimum wage rate, he may sue his employer in a district court of competent
25 jurisdiction.

26 B. If an employer is found to have violated the provisions of this Chapter,
27 he is liable to the employee for ninety days wages at the rate of pay to which the
28 employee is entitled and the difference between the amount actually paid to the
29 employee and the amount due to the employee, as well as reasonable attorney fees.

- 1 §675. Exceptions
- 2 The provisions of this Chapter shall not apply to student employees of the
- 3 state or student employees of the state colleges and universities of Louisiana.
- 4 Section 2. R.S. 23:642 is hereby repealed in its entirety.

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 677 Original

2015 Regular Session

Hunter

Abstract: Establishes a state minimum wage and repeals the prohibition on local variation in legally required minimum wage rates and local mandates on vacation or sick leave.

Proposed law provides definitions, including the definition of "employee" for purposes of proposed law to include incarcerated workers.

Proposed law creates a state minimum wage and sets it at \$7.25 per hour effective Jan. 1, 2016.

Present law (federal law) provides that the minimum wage rate for tipped employees is \$2.13 per hour direct wages and that the employee's tips may be used to make up the difference between the tipped employee minimum wage rate of \$2.13 per hour and the minimum wage rate of \$7.25 per hour.

Proposed law raises the minimum wage to \$5.25 per hour effective Jan. 1, 2016 and to \$7.25 per hour effective Jan. 1, 2017 for tipped employees.

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

Proposed law provides that an employer who fails to pay his employee the state minimum wage is liable to the employee for 90 days wages as well as the difference between what the employee was paid and minimum wage he was owed and reasonable attorney fees.

Proposed law excludes student workers employed with the state and with state colleges and universities from the minimum wage requirement.

Present law prohibits local variation in legally required minimum wage rates and local mandates on vacation or sick leave.

Proposed law repeals present law.

(Adds R.S. 23:671-675; Repeals R.S. 23:642)