

2017 Regular Session

HOUSE BILL NO. 282

BY REPRESENTATIVE NORTON

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

EMPLOYMENT: Provides for equal pay for women

1 AN ACT

2 To amend and reenact R.S. 23:662, 663, 665, and 667(A), relative to equal pay for women;
3 to provide for public policy; to revise definitions; to provide for a complaint
4 procedure; to provide for appropriate jurisdiction suits brought for violations; and to
5 provide for related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. R.S. 23:662, 663, 665, and 667(A) are hereby amended and reenacted to
8 read as follows:

9 §662. Declaration of public policy

10 The public policy of this state is that a woman who ~~performs public service~~
11 for is employed in the state of Louisiana is entitled to be paid the same compensation
12 for her service as is paid to a man who performs the same kind, grade, and quality
13 of service, and ~~that~~ a distinction in compensation ~~may~~ shall not be made because of
14 sex.

15 §663. Definitions

16 As used in this Chapter, the following terms ~~shall~~ have the definitions
17 ascribed in this Section unless the context indicates otherwise:

18 (1) "Commission" means the Louisiana Commission on Human Rights.

19 (2) "Employee" means any ~~female individual who is employed to work forty~~
20 ~~or more hours a week and who is employed by~~ works for the employer in return for
21 compensation.

1 (3) "Employer" means any ~~department, office, division, agency, commission,~~
 2 ~~board, committee or other organizational unit of the state~~ entity by whom fifteen or
 3 more employees are employed within the state, including any individual, partnership,
 4 corporation, association, business, trust, labor organization, the state of Louisiana,
 5 any state officer, any public department or agency, any unit of local government, and
 6 any school district.

7 * * *

8 §665. Complaint procedure

9 A. An employee who in good faith believes that ~~her~~ his employer is in
 10 violation of this Chapter shall submit written notice of the alleged violation to the
 11 employer. An employer who receives ~~such a~~ such a written notice from an employee shall
 12 have sixty days from receipt of the notice to investigate the matter and remedy any
 13 violation of this Chapter. If an employer remedies the violation in a manner that
 14 complies with the statute and within the time provided herein, the employee ~~may~~
 15 shall not bring any action against the employer pursuant to this Chapter except as
 16 provided in Subsections B and C of this Section.

17 B. If an employer fails to resolve the dispute to the satisfaction of ~~such~~ the
 18 employee within the time provided herein, the employee may file a complaint with
 19 the commission requesting an investigation of the complaint pursuant to R.S.
 20 51:2257.

21 C. If the commission finds evidence of discriminatory, retaliatory, or other
 22 adverse employment action on the part of the employer in violation of this Chapter
 23 but is unable to resolve or mediate the dispute, ~~or~~ fails to render a decision as to the
 24 dispute, or issues a finding of no discrimination on the part of the employer, the
 25 employee may institute a civil suit in ~~the Nineteenth Judicial District Court~~ a district
 26 court of competent jurisdiction.

27 * * *

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

1 §667. Limitation of actions
2 A. Any action filed in ~~the Nineteenth Judicial District Court~~ district court to
3 recover unpaid wages or any other form of relief for a violation of this Chapter shall
4 be commenced within one year of the date that an employee is aware or should have
5 been aware that the ~~employee's~~ employer is in violation of this Chapter.

* * *

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 282 Original

2017 Regular Session

Norton

Abstract: Provides that pay equality shall extend to all persons employed in the state of La.

Present law provides that women employed as public employees shall be entitled to the same compensation as men employed as public employees.

Proposed law extends present law to provide that pay equality shall apply to all employed in the state.

Present law defines "employer" as any department, office, division, agency, commission, board, committee, or other organizational unit of the state.

Proposed law extends present law to provide that an "employer" is an individual, partnership, corporation, association, business, trust, person, labor organization as defined in this Section, or entity for whom fifteen or more employees are gainfully employed within the state and includes the state of La. any state officer, any department or agency, any unit of local government, and any school district.

Present law makes it unlawful for an employer to pay wages to an employee at a rate less than the rate at which the employer pays wages to another employee of the opposite sex for the same or substantially similar work in the same workplace. Proposed law retains present law.

Present law provides that if the Human Rights Commission finds evidence of discriminatory action on the part of the employer but fails to resolve the dispute, or fails to render a decision on the dispute within 120 days, the employee may institute a civil suit in the 19th Judicial District Court.

Proposed law changes the jurisdiction from the 19th Judicial District Court to any district court of competent jurisdiction. Proposed law otherwise retains present law.

Present law provides for a one-year prescriptive period for bringing any action to recover from the time the employee knows about the violation. Proposed law retains present law.

(Amends R.S. 23:662, 663, 665, and 667(A))