

Regular Session, 2010

SENATE BILL NO. 481

BY SENATOR RISER

EMPLOYMENT. Provides relative to bonus payments to employees. (8/15/10)

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AN ACT

To enact R.S. 23:631(E), 631.1, 631.2, and 633(F), relative to bonus payments to employees; to provide for when bonus payments may or may not be due; to provide relative to disputes as to bonus payments being due to an employee; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 23:631(E), 631.1, 631.2, and 633(F) are hereby enacted to read as follows:

§631. Discharge or resignation of employees; payment after termination of employment

\* \* \*

**E. The provisions of this Section shall not apply to bonus payments as defined in R.S. 23:631.1.**

\* \* \*

**§631.1. Bonus payment definition**

**A. A "bonus payment" is a sum of money added to a person's wages for good performance.**

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**B. A bonus payment shall not include payment of commissions.**

**§631.2. Disputed bonus payments**

**A. A bonus payment shall not be due unless all conditions pursuant to the employer's policy have been met.**

**B. In the event of a dispute as to a bonus payment after separation from employment, the following steps may be taken:**

**(1) The employee shall first file a written complaint with the employer.**

**(2) If the complaint is not resolved within a reasonable period of time, the employee may report the complaint to the Louisiana Workforce Commission.**

**(3) Only if the complaint is not resolved within the Louisiana Workforce Commission may the employee then proceed to file an action in the district court to recover the disputed bonus amount, plus attorney fees, court costs, and judicial interest from the date of the first demand until payment by the employer.**

**C. No interruption of the one-year prescriptive period for filing a court action shall result from the plaintiff's giving or failing to give notice of a complaint, or during the pendency of any administrative process, as required by Subsection B of this Section.**

**D. The provisions of this Section shall not apply when a collective bargaining agreement exists between the employer and the worker or other employee that provides otherwise.**

\* \* \*

§633. Payment twice monthly for certain occupations; penalty for violations

\* \* \*

**F. The provisions of this Section shall not apply to bonus payments as defined in R.S. 23:631.1.**

The original instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by Mary Dozier O'Brien.

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DIGEST

Present law contains no provisions specifically for considering bonus payments in the payment due to employees.

Proposed law provides a definition for a bonus payment.

Proposed law provides for the resolution of disputed bonus payments after an employee separates from his employment.

Effective August 15, 2010.

(Adds R.S. 23:631(E), 631.1, 631.2, and 633(F))