

2020 Second Extraordinary Session

SENATE BILL NO. 68

BY SENATOR LUNEAU

EMPLOYMENT. Provides for definitions of employee and independent contractor. (1/1/21)
(Item #24)

1 AN ACT

2 To enact R.S. 23:1472(9) and (12)(H)(XXIII), relative to unemployment compensation; to
3 provide for the classification of employees; to provide relative to definitions of
4 certain terms; to provide relative to classification of certain types of employment;
5 and to provide for related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. R.S. 23:1472(9) and (12)(H)(XXIII) are hereby enacted to read as
8 follows:

9 §1472. Definitions

10 As used in this Chapter, the following terms shall have the meanings ascribed
11 to them in this Section, unless the context clearly indicates otherwise:

12 * * *

13 **(9) "Employee" means an individual who performs services for an**
14 **employer where there exists a right by the employer to control what work the**
15 **employee does or how the employee performs his job or where the employer**
16 **provides the tools and supplies to the employee for the performance of the job.**

17 * * *

1 (12)A. "Employment" means, subject to the other provisions of this
2 Subsection, any services including service in interstate commerce, performed for
3 wages or under any contract of hire, written or oral, express or implied;

4 * * *

5 H. The term "employment" shall not include:

6 * * *

7 **XXIII. Service performed by an individual engaged in an independent**
8 **trade, business, or profession in which he offers his services to the general**
9 **public with the authority to control what will be done and how it will be done.**

10 * * *

11 Section 2. This Act shall become effective on January 1, 2021.

The original instrument and the following digest, which constitutes no part
of the legislative instrument, were prepared by Yoursheka George.

DIGEST

SB 68 Original

2020 Second Extraordinary Session

Luneau

Present law provides relative to the La. Employment Security Law and defines certain terms.

Proposed law retains present law.

Proposed law adds a definition for the term "employee". An "employee" means an individual who performs services for an employer where there exists a right by the employer to control what work the employee does or how the employee performs his job or where the employer provides the tools and supplies to the employee for the performance of the job.

Present law defines the term "employment" and provides for exceptions.

Proposed law retains present law definition of "employment" and the exceptions and adds that the term "employment" does not include individuals engaged in an independent trade, business, or profession in which he offers his services to the general public with the authority to control what will be done and how it will be done.

Effective January 1, 2021.

(Adds R.S. 23:1472(9) and (12)(H)(XXIII))