

2021 Regular Session

SENATE BILL NO. 49

BY SENATORS CARTER AND BARROW

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

EMPLOYMENT. Provides relative to the state minimum wage. (gov sig)

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AN ACT

To enact Chapter 6-B of Title 23 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 23:671 through 676, relative to minimum wage; to provide for state minimum wage; to provide for annual increases to the minimum wage; to provide for exceptions; to provide relative to a civil action; to provide for venue; to provide for damages; to provide for reporting of certain information; to provide for terms, conditions, and procedure; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. Chapter 6-B of Title 23 of the Louisiana Revised Statutes of 1950, comprised of R.S. 23:671 through 676, is hereby enacted to read as follows:

CHAPTER 6-B. MINIMUM WAGE

§671. Minimum wage; establishment

A.(1) Notwithstanding any provision of law to the contrary, beginning January 1, 2022, the state minimum wage is established and shall be set at fifteen dollars per hour. Every employer in the state shall pay to each employee wages at a rate of not less than fifteen dollars per hour for hours worked in a pay period, regardless of how the time at work is measured.

1 (2) Beginning January 1, 2023, and each January first thereafter, the
2 minimum wage shall be increased by the percentage increase of the Consumer
3 Price Index for all Urban Consumers (CPI-U), or its successor index, as
4 calculated by the United States Department of Labor, or its successor agency,
5 for the twelve months preceding the previous September first. The minimum
6 wage shall be rounded off to the nearest five cents. The minimum wage shall not
7 be decreased if there is a decrease in the CPI-U.

8 (3)(a) The secretary of the Louisiana Workforce Commission shall
9 calculate the new minimum wage annually in accordance with the provisions of
10 this Section.

11 (b) On or before October first of each year, the secretary shall publish
12 on the commission's website the new minimum wage rate in effect January first
13 of the next year.

14 B. If, at any time, the federal minimum hourly wage rate set by Section
15 6 of the federal Fair Labor Standards Act of 1938, or a successor federal law,
16 is raised to a level higher than the state minimum wage rate, then the state
17 minimum wage rate shall be increased to the level of the federal minimum wage
18 rate.

19 C. An increase in the state minimum wage rate shall result in a
20 corresponding increase in the Medicaid home and community-based services
21 reimbursement rate.

22 §672. Civil action; venue

23 A. An employee shall have the right to file an action to enforce a wage
24 claim against the employer and proceed pursuant to the Code of Civil
25 Procedure Article 2592.

26 B. Notwithstanding any provision of law to the contrary, the civil action
27 may be instituted in a parish, city, or district court of proper venue as follows:

28 (1) If the employer is a natural or juridical person, venue shall be proper
29 in the parish where the plaintiff is domiciled, the parish where the work or

1 service subject to minimum wage was performed, or a parish of proper venue
2 pursuant to the general rules of venue pursuant to Code of Civil Procedure
3 Article 42.

4 (2) If the employer is the state, venue shall be proper in the Nineteenth
5 Judicial District Court in East Baton Rouge Parish.

6 (3) If the employer is a public entity other than the state, venue shall be
7 proper in the parish of the entity's domicile.

8 §673. Damages

9 An employer who violates the provisions of this Chapter shall pay the
10 affected employee the difference between wages actually paid to the employee
11 and the minimum wage rate in effect at the time the employee worked for each
12 hour worked, plus reasonable attorney fees and court costs.

13 §674. Limitation of action

14 A civil action filed to recover wages for a violation of this Chapter shall
15 be commenced within three years from the date that an employee becomes
16 aware that the employer is in violation of the provisions of this Chapter.

17 §675. Notification and reporting; clerk of court; commission

18 A. Beginning January 1, 2022, the clerk for each court shall maintain a
19 docket for the record of cases filed pursuant to the provisions of this Chapter.
20 The dockets shall be submitted monthly to the Louisiana Workforce
21 Commission.

22 B.(1) Beginning January 1, 2023, the Louisiana Workforce Commission
23 shall compile an annual report with the following information from the
24 preceding calendar year:

25 (a) The name of each employer who violated the provisions of this
26 Chapter.

27 (b) The number of employees affected by the violation.

28 (c) The dollar amount of each violation.

29 (2) On or before March 1, 2023, and on or before March first of each

1 year thereafter, the commission shall submit the report to the Senate and House
 2 committees on labor and industrial relations and the office of the governor.

3 §676. Exceptions

4 A. The provisions of this Chapter shall not apply to a student learner, as
 5 defined in 29 CFR §520.300, who is employed by any of the following:

6 (1) The state.

7 (2) State colleges and universities.

8 (3) A private employer.

9 B. The minimum wage for student learners shall not be less than
 10 seventy-five percent of the minimum wage rate in effect in the state.

11 Section 2. This Act shall become effective upon signature by the governor or, if not
 12 signed by the governor, upon expiration of the time for bills to become law without signature
 13 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If
 14 vetoed by the governor and subsequently approved by the legislature, this Act shall become
 15 effective on the day following such approval.

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

DIGEST

SB 49 Engrossed

2021 Regular Session

Carter

Proposed law establishes a state minimum wage and provides that beginning January 1, 2022, the state minimum wage shall be set at \$15 per hour. Every employer in the state shall pay to each employee wages at a rate of not less than \$15 per hour for hours worked in a pay period, regardless of how the time at work is measured.

Proposed law provides that beginning January 1, 2023, and each January first thereafter, the minimum wage shall be increased by the percentage increase of the Consumer Price Index for all Urban Consumers (CPI-U), or its successor index, as calculated by the U.S. Department of Labor, or its successor agency, for the 12 months preceding the previous September first. Proposed law provides the minimum wage shall be rounded off to the nearest five cents.

Proposed law provides that if there is a CPI-U decrease, the minimum wage shall not be decreased.

Proposed law provides that the secretary of the La. Workforce Commission (commission) shall calculate the increase to the minimum wage annually and, by October first of each year, publish on the commission's website the new minimum wage effective January first of the next year.

Proposed law provides that if, at any time, the federal minimum hourly wage rate is raised

to a level higher than the state minimum wage rate, then the state minimum wage rate shall be increased to the federal level.

Proposed law provides that if there is an increase in the state minimum wage, Medicaid reimbursement for home and community-based services will increase at a comparable rate.

Proposed law provides that an employee shall have the right to file an action to enforce a wage claim against the employer through a summary proceeding as provided by the La. Code of Civil Procedure.

Proposed law provides relative to venue and damages.

Proposed law provides for a prescriptive period of three years from the date that an employee becomes aware that the employer violated the minimum wage law.

Proposed law provides that the clerk of each court shall maintain a docket for the record of cases filed pursuant to proposed law and requires these dockets be submitted to the commission monthly.

Proposed law requires that beginning January 1, 2023, the commission shall compile an annual report containing certain information from the preceding calendar year and shall submit the report to the legislature and governor on or before March first of each year.

Proposed law does not apply to a student learner, defined by federal law, who is employed by any of the following:

- (1) The state.
- (2) State colleges and universities.
- (3) A private employer.

Proposed law provides that the minimum wage for student learners shall not be less than 75% of the minimum wage rate in effect in the state.

Effective upon signature of the governor or lapse of time for gubernatorial action.

(Adds R.S. 23:671-676)

Summary of Amendments Adopted by Senate

Committee Amendments Proposed by Senate Committee on Labor and Industrial Relations to the original bill

1. Increases the amount of Medicaid reimbursement for home and community-based services if there is an increase in the state minimum wage.