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

DIGEST

SB 148 Original | 2023 Regular Session | Carter

Proposed law prohibits an employer from inquiring about or relying on the applicant's wage history by doing any of the following:

(1) Screening a job applicant based on the applicant's current or prior wages, benefits, or other compensation, or salary history.

(2) Relying on the applicant's wage history in deciding whether to offer employment to an applicant or to determine the applicant's salary, benefits, or other compensation.

(3) Refusing to hire or otherwise disfavor, injure, or retaliate against an applicant for not disclosing his wage history.

Proposed law prohibits an employer from discriminating, retaliating, or taking any adverse employment action against an employee who inquires, discloses, compares, or otherwise discusses his wages, another employee's wages, or aids or encourages any other employee to exercise the same actions.

Proposed law provides that the protections provided for in proposed law are not applicable when an employee who has access to the wage information of other employees as a part of his essential job function discloses the wages of other employees to individuals who do not have access to such information, unless the disclosure is required by law.

Present law provides that it is unlawful for an employer to interfere with, restrain, or deny the exercise of, or attempt to exercise, any right provided under present law.

Present law further provides that it is unlawful for any employer to discriminate, retaliate, or take any adverse employment action against an employee who inquires, discloses, compares, or discusses his wages, another employee's wages, or aids or encourages any other employee to exercise the same rights.

Proposed law retains present law and also provides that the protections provided for under present law do not apply to an employee who has access to other employees' wage information as a part of his essential job function and who discloses the wage information to individuals who do not have access to such information, unless the disclosure is required by law.

Effective August 1, 2023.

(Amends R.S. 23:664(D); adds R.S. 23:333 and 664(F))