

SENATE COMMITTEE AMENDMENTS

2016 Regular Session

Amendments proposed by Senate Committee on Labor and Industrial Relations to Original Senate Bill No. 269 by Senator Peterson

1 AMENDMENT NO. 1

2 On page 1, line 3, delete "674," and insert "678, and R.S. 23:1516"

3 AMENDMENT NO. 2

4 On page 1, line 5 after "enforcement" insert "; to provide for civil remedies; to provide for
5 damages; to provide for venue; to provide for the limitation of actions; to provide for
6 notifications; to provide for the creation of an account within a fund;"

7 AMENDMENT NO. 3

8 On page 1, line 8, delete "674, is" and insert "678, and R.S. 23:1516 are"

9 AMENDMENT NO. 4

10 On page 2, delete lines 10 through 26 and insert the following:

11 **§672. Civil remedy**

12 **A. In addition to any other remedy provided by law, an employee shall**
13 **have a civil right of action for damages against the employer for a violation of**
14 **the provisions of R.S. 23:671.**

15 **B. Notwithstanding any provision of law to the contrary, such civil action**
16 **may be instituted in a parish, city, or district court of proper venue as provided**
17 **for in this Subsection.**

18 **(1) If the employer is a natural or juridical person, venue for the civil**
19 **action shall be proper if brought in the parish where the plaintiff is domiciled,**
20 **or the parish where the work or service subject to minimum wage was**
21 **performed, or a parish of proper venue pursuant to the general rules of venue**
22 **as set forth in Code of Civil Procedure Article 42.**

23 **(2) If the employer is the state, venue for the civil action shall be proper**
24 **in the nineteenth judicial district court in East Baton Rouge Parish.**

25 **(3) If the employer is a public entity other than the state, venue shall be**
26 **proper in the parish of its domicile.**

27 **§673. Damages**

28 **An employer who violates the provisions of R.S. 23:671 shall be liable to**
29 **the affected employee in the amount of the difference between the amount that**
30 **the employee was paid and the amount the employer was statutorily obligated**
31 **to pay pursuant to R.S. 23:671, plus reasonable attorney fees and court costs**
32 **associated with the civil action.**

33 **§674. Limitation of action**

34 **Any civil action filed, pursuant to R.S. 23:672, to recover wages for a**
35 **violation of R.S. 23:671 shall be commenced within three years from the date**
36 **that an employee becomes aware that the employer is in violation of this**
37 **Chapter.**

38 **§675. Notification of information**

39 **A. The clerk for each court shall maintain a docket for the record of**
40 **cases filed that are filed pursuant to the provisions of this Chapter. These**
41 **dockets shall be submitted monthly to the Louisiana Workforce Commission,**
42 **Wage and Hour Division, beginning the first full month after the effective date**
43 **of this Act.**

44 **B. The Louisiana Workforce Commission shall compile a list of the**
45 **names of the employers who violated the provisions of this Chapter, the number**
46 **of employees affected thereby, and the dollar amount of each violation and shall**

submit an annual list of such information to the Louisiana Senate Committee on Labor Industrial Relations and the Louisiana House Committee on Labor and Industrial Relations and to the governor's office.

§676. Penalties and enforcement

A. An employer who violates the provisions of R.S. 23:671 shall be subject to a civil fine, or penalty, to be assessed by the executive director of the Louisiana Workforce Commission in an amount not less than one hundred dollars nor more than five hundred dollars per employee for each day of violation and for each violation.

B. In determining the amount of the civil fine, or penalty, the executive director shall consider the appropriateness of the amount of the civil fine by considering the size of the business and the gravity of the violation.

§677. Exceptions

A. The provisions of this Chapter shall not apply to any of the following:

- (1) Student employees of the state.
- (2) Student employees of state colleges and universities.
- (3) Student employees of a private employer.

B. The provisions of this Chapter shall not apply to tipped employees or agriculture employees as defined by the federal Fair Labor Standards Act of 1938, or a successor federal law.

§678. Regulations

The Louisiana Workforce Commission is hereby authorized to promulgate rules and regulations pursuant to the provisions of the Administrative Procedures Act which may be necessary for the implementation of the provisions of this Chapter. "

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§1516. Minimum wage enforcement account

A.(1) There is hereby created in the Employment Security Administration Fund an account which shall be known as the Minimum Wage Enforcement Account, hereinafter referred to as the "account".

(2) All civil fines, or penalties, and interest collected from employers under the provisions of this Chapter shall be deposited into the account.

B. After allocation of money to the Bond Security and Redemption Fund as provided in Article VII, Section 9(B) of the Constitution of Louisiana, the treasurer shall deposit in and credit to the account the revenues as provided for in Subsection A of this Section.

C.(1) The moneys in the account shall be used to pay for all costs associated with the enforcement of the provisions of Chapter 6-B of this Title as determined to be necessary by the executive director.

(2) All moneys in the account shall be deposited, administered, and disbursed in the same manner and under the same conditions and requirements as is provided for in the Employment Security Administration Fund pursuant to this Subpart."