HLS 19RS-474 ORIGINAL

2019 Regular Session

HOUSE BILL NO. 289

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BY REPRESENTATIVE NORTON

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

AN ACT

EMPLOYMENT: Provides relative to equal pay for women

2 To amend and reenact R.S. 23:662, 663, 665, and 667(A), relative to equal pay for women; 3 to provide for public policy; to revise definitions; to provide for a complaint 4 procedure; to provide for appropriate jurisdiction for suits brought for violations; and 5 to provide for related matters. 6 Be it enacted by the Legislature of Louisiana: 7 Section 1. R.S. 23:662, 663, 665, and 667(A) are hereby amended and reenacted to 8 read as follows: 9 §662. Declaration of public policy 10 The public policy of this state is that a woman who performs public service 11 for is employed in the state of Louisiana is entitled to be paid the same compensation 12 for her service as is paid to a man who performs the same kind, grade and quality of 13 service, and a distinction in compensation may shall not be made because of sex. §663. Definitions 14 15 As used in this Chapter, the following terms shall have the definitions 16 ascribed in this Section unless the context indicates otherwise: 17 (1) "Commission" means the Louisiana Commission on Human Rights. 18 (2) "Employee" means any female individual who is employed to work forty 19 or more hours a week and who is employed by works for the employer in return for 20 compensation, on a full-time or part-time basis.

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CODING: Words in struck through type are deletions from existing law; words <u>underscored</u> are additions.

(3) "Employer" means any department, office, division, agency, commission, board, committee or other organizational unit of the state entity by whom fifteen or more employees are employed within the state, including any individual, partnership, corporation, association, business, trust, labor organization, the state of Louisiana, any state officer, any public department or agency, any unit of local government, and any school district.

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§665. Complaint procedure

A. An employee who in good faith believes that her employer is in violation of this Chapter shall submit written notice of the alleged violation to the employer. An employer who receives such a written notice from an employee shall have sixty days from receipt of the notice to investigate the matter and remedy any violation of this Chapter. If an employer remedies the violation in a manner that complies with the statute and within the time provided herein, the employee may shall not bring any action against the employer pursuant to this Chapter except as provided in Subsections B and C of this Section.

B. If an employer fails to resolve the dispute to the satisfaction of such the employee within the time provided herein, the employee may file a complaint with the commission requesting an investigation of the complaint pursuant to R.S. 51:2257.

C. If the commission finds evidence of discriminatory, retaliatory or other adverse employment action on the part of the employer in violation of this Chapter but is unable to resolve or mediate the dispute, or fails to render a decision as to the dispute, or issues a finding of no discrimination on the part of the employer, the employee may institute a civil suit in the Nineteenth Judicial District Court a district court of competent jurisdiction.

* * *

A. Any action filed in the Nineteenth Judicial District Court district court to recover unpaid wages or any other form of relief for a violation of this Chapter shall be commenced within one year of the date that an employee is aware or should have been aware that the employee's employer is in violation of this Chapter.

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DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

HB 289 Original

2019 Regular Session

Norton

Abstract: Provides that pay equality shall extend to all persons employed in the state of La.

<u>Present law</u> provides that women employed as public employees shall be entitled to the same compensation as men employed as public employees.

<u>Proposed law</u> extends <u>present law</u> to provide that pay equality shall apply to all employed in the state.

<u>Present law</u> provides that an employee is any female individual who is employed to work 40 hours or more for an employer.

<u>Proposed law</u> extends <u>present law</u> to provide any female individual who works for an employer on a full-time or part-time basis.

<u>Present law</u> defines "employer" as any department, office, division, agency, commission, board, committee, or other organizational unit of the state.

<u>Proposed law</u> extends <u>present law</u> to provide that an "employer" is an individual, partnership, corporation, association, business, trust, person, labor organization as defined in this Section, or entity for whom 15 or more employees are gainfully employed within the state and includes the state of La., any state officer, any department or agency, any unit of local government, and any school district.

<u>Present law</u> makes it unlawful for an employer to pay wages to an employee at a rate less than the rate at which the employer pays wages to another employee of the opposite sex for the same or substantially similar work in the same workplace. <u>Proposed law</u> retains <u>present law</u>.

<u>Present law</u> provides that if the Human Rights Commission finds evidence of discriminatory action on the part of the employer but fails to resolve the dispute, or fails to render a decision on the dispute within 120 days, the employee may institute a civil suit in the 19th Judicial District Court.

<u>Proposed law</u> changes the jurisdiction <u>from</u> the 19th Judicial District Court to any district court of competent jurisdiction. <u>Proposed law</u> otherwise retains <u>present law</u>.

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<u>Present law</u> provides for a one-year prescriptive period for bringing any action to recover from the time the employee knows about the violation. <u>Proposed law</u> retains <u>present law</u>.

(Amends R.S. 23:662, 663, 665, and 667(A))