

2016 Regular Session

HOUSE BILL NO. 297

BY REPRESENTATIVE HUNTER

EMPLOYMENT/WAGES-MINIMUM: Provides a minimum wage for any municipality having a population between 48,000 and 49,000

1 AN ACT

2 To enact R.S. 23:643 and 644, relative to minimum wage; to establish a minimum wage in  
3 municipalities having a population between forty-eight thousand and forty-nine  
4 thousand; to provide for an increase after one year; to provide for tipped employees;  
5 to provide for penalties; and to provide for related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. R.S. 23:643 and 644 are hereby enacted to read as follows:

8 §643. Minimum wage; municipalities having a population between forty-eight  
9 thousand and forty-nine thousand; establishment

10 A. Notwithstanding any other provision of law to the contrary, the minimum  
11 wage in municipalities having a population between forty-eight thousand and forty-  
12 nine thousand according to the latest federal decennial census is established and set  
13 as follows:

14 (1) Beginning January 1, 2017, the minimum wage shall be set at seven  
15 dollars and twenty-five cents per hour. Every employer in municipalities having a  
16 population between forty-eight thousand and forty-nine thousand shall pay to each  
17 employee wages at a rate of not less than seven dollars and twenty-five cents per  
18 hour for hours worked in a pay period regardless of how the time at work is  
19 measured.

1           (2) Beginning January 1, 2018, the minimum wage shall be set at eight  
2           dollars and twenty-five cents per hour. Every employer in municipalities having a  
3           population between forty-eight thousand and forty-nine thousand shall pay to each  
4           employee wages at a rate of not less than eight dollars and twenty-five cents per hour  
5           for hours worked in a pay period regardless of how the time at work is measured.

6           B. If a tipped employee's tips combined with the employer's direct wages of  
7           at least two dollars and thirteen cents an hour do not equal the minimum wage  
8           established in Subsection A, the employer shall pay the difference to the tipped  
9           employee.

10           C. If, at any time, the federal minimum hourly wage rate set by Section 6 of  
11           the federal Fair Labor Standards Act of 1938, or a successor federal law, is raised to  
12           a level higher than the state minimum wage rate, then the local minimum wage rate  
13           shall be increased to the level of the federal minimum wage rate.

14           §644. Liability of employer for failure to pay minimum wage in municipalities  
15           having a population between forty-eight thousand and forty-nine thousand;  
16           penalties; attorney fees

17           An employee may bring suit in a court of competent jurisdiction against his  
18           employer for a violation of R.S. 23:643. If the employer is found to have violated  
19           the provisions of this Section, he shall be liable to the employee for ninety days  
20           wages at the employee's daily rate of pay, the difference between what the employee  
21           was paid and the local minimum wage rate, and reasonable attorney fees and costs.

22           Section 2. This Act shall take effect and become operative if and when the proposed  
23 amendment of Article 3 of the Constitution of Louisiana contained in the Act which  
24 originated as House Bill No. \_\_\_\_ of this 2016 Regular Session of the Legislature is adopted  
25 at a statewide election and becomes effective.

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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)]

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HB 297 Original

2016 Regular Session

Hunter

**Abstract:** Establishes a local minimum wage in municipalities having a population between 48,000 and 49,000.

Proposed law establishes a local minimum wage for municipalities having a population between 48,000 and 49,000 and sets it at \$7.25 per hour beginning Jan. 1, 2017.

Proposed law provides that the local minimum wage for municipalities having a population between 48,000 and 49,000 shall be \$8.25 per hour beginning Jan. 1, 2018.

Proposed law requires that the employers of tipped employees make up the difference between the \$2.13 per hour paid to the employee plus tips and the local minimum wage.

Proposed law requires that if the federal minimum wage is raised, the local minimum wage shall also be raised.

Proposed law provides a cause of action against an employer who fails to pay an employee local minimum wage.

Proposed law provides for a penalty of 90 days wages and the difference between what the employee was paid and the local minimum wage rate, as well as attorney fees, if the employee wins the suit.

Effective if and when the proposed amendment of Article 3 of the Constitution of La. contained in the Act which originated as House Bill No. \_\_ of this 2016 R.S. of the Legislature is adopted at a statewide election and becomes effective.

(Adds R.S. 23:643 and 644)