Regular Session, 2014

HOUSE BILL NO. 382

BY REPRESENTATIVE BROSSETT

EMPLOYMENT/WAGES-MINIMUM: Creates a state minimum wage

1   AN ACT

2   To enact Chapter 6-B of Title 23 of the Louisiana Revised Statutes of 1950, to be comprised

3   of R.S. 23:671 through 674, relative to minimum wage; to establish a state minimum

4   wage; to provide for procedures for the determination of an annual increase; to

5   provide for penalties for violations; to provide for exceptions; and to provide for

6   related matters.

7   Be it enacted by the Legislature of Louisiana:

8   Section 1. Chapter 6-B of Title 23 of the Louisiana Revised Statutes of 1950,

9   comprised of R.S. 23:671 through 674, is hereby enacted to read as follows:

10   CHAPTER 6-B. MINIMUM WAGE

11   §671. Minimum wage; establishment

12   A. Notwithstanding any other provision of law to the contrary, the state

13   minimum wage established pursuant to this Chapter shall be set at ten dollars and ten

14   cents per hour beginning January 1, 2015. Every employer in the state shall pay to

15   each employee wages at a rate of not less than ten dollars and ten cents per hour for

16   hours worked in a pay period regardless of how the time at work is measured.

17   B. If a tipped employee's tips combined with the employer's direct wages of

18   at least two dollars and thirteen cents an hour do not equal the minimum wage

19   established in Subsection A, the employer shall pay the difference.

1   C.(1) Beginning January 1, 2016, the minimum wage shall increase annually

2 on January 1 in an amount determined by the Consumer Price Index or its successor

3 publication as determined by the Bureau of Labor Statistics.

4   (2) The executive director of the Louisiana Workforce Commission shall

5 calculate the new minimum wage annually. In calculating the annual percentage

6 increase in the Consumer Price Index, the executive director shall compare such

7 Consumer Price Index for the most recent month, quarter, or year available, as

8 selected by the executive director prior to the first year for which a minimum wage

9 is in effect pursuant to this Chapter, with the Consumer Price Index for the same

10 month in the preceding year, the same quarter in the preceding year, or the preceding

11 year, respectively, and round to the nearest five cents.

12   D. If, at any time, the federal minimum hourly wage rate set by Section 6 of

13 the federal Fair Labor Standards Act of 1938, or a successor federal law, is raised to

14 a level higher than the state minimum wage rate, then the state minimum wage rate

15 shall be increased to the level of the federal minimum wage rate and all subsequent

16 increases based on increases in the Consumer Price Index pursuant to Subsection C

17 of this Section shall be applied to the state minimum wage rate.

18 §672. Enforcement

19   The   Louisiana Workforce Commission shall be responsible for the

20 enforcement of this Chapter and is authorized and directed to promulgate rules and

21 regulations under the provisions of the Administrative Procedures Act necessary for

22 the implementation of the provisions of this Chapter.

23 §673. Penalties

24   A. Whoever violates the provisions of this Chapter shall be fined not less

25 than five hundred dollars and not more than one thousand dollars per employee not

26 receiving minimum wage. The employer shall pay the employee the difference

27 between the wages actually paid to the employee and the minimum wage rate in

28 effect at the time the employee was paid.

1   B. Penalties may be imposed by a ruling of the executive director pursuant

2   to an adjudicatory hearing held in accordance with the Administrative Procedure Act,

3   R.S. 49:950 et seq.

4   §674. Exceptions

5   The provisions of this Chapter shall not apply to student employees of the

6   state or student employees of state colleges and universities.

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)]

Brossett   HB No. 382

Abstract: Establishes a state minimum wage.

Proposed law establishes a state minimum wage and sets it at $10.10 per hour.

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 state minimum wage.

Proposed law provides that the state minimum wage shall be adjusted annually to allow for
inflation, beginning July 1, 2016, and the increase shall be determined by the Consumer
Price Index.

Proposed law provides that the executive director of the Louisiana Workforce Commission
(LWC) determine the annual increase amount and provides the method by which the
determination shall be made.

Proposed law requires that if the federal minimum wage is raised, the state minimum wage
shall also be raised and the annual increase based on the Consumer Price Index shall
continue based on the increased amount.

Proposed law provides a fine of not less than $500 and not more than $1,000 per employee
for failure to pay minimum wage.

Proposed law further requires that an employer who fails to pay his employee minimum
wage shall pay the employee the difference between what the employee was paid, and
minimum wage.

Proposed law provides that LWC shall be in charge of enforcement of the minimum wage
laws and authorizes the agency to promulgate rules and regulations necessary in its
implementation.

Proposed law provides the procedure for the executive director of LWC to impose penalties.

Proposed law excludes student workers employed with the state and with state colleges and
universities from the minimum wage requirement.

(Adds R.S. 23:671-674)