

Regular Session, 2014

HOUSE BILL NO. 646

BY REPRESENTATIVE HUNTER

EMPLOYMENT/WAGES-MINIMUM: Provides for a state minimum wage

1 AN ACT

2 To enact Chapter 6-A of Title 23 of the Louisiana Revised Statutes of 1950, to be
3 comprised of R.S. 23:671 through 674, relative to minimum wage; to establish a state
4 minimum wage; to provide a varying rate depending on the number of employees;
5 to provide for procedures for the determination of an annual increase; to provide for
6 enforcement; to provide for exceptions; and to provide for related matters.

7 CHAPTER 6-A. MINIMUM WAGE

8 Be it enacted by the Legislature of Louisiana:

9 Section 1. Chapter 6-A of Title 23 of the Louisiana Revised Statutes of 1950,
10 comprised of R.S. 23:671 through 674 is hereby enacted to read as follows:

11 §671. Minimum wage; establishment

12 A. Notwithstanding any other provision of law to the contrary, the state
13 minimum wage is established and set as follows:

14 (1) The minimum wage shall be set at eight dollars and twenty-five cents per
15 hour for businesses with two hundred forty-nine thousand, nine hundred ninety nine
16 or fewer employees. Every business with two hundred forty-nine thousand, nine
17 hundred ninety nine or fewer employees shall pay to each employee wages at a rate
18 of not less than eight dollars and twenty-five cents per hour for hours worked in a
19 pay period regardless of how the time at work is measured.

20 (2) The minimum wage shall be set at eight dollars and fifty cents per hour
21 for businesses with at least two hundred and fifty thousand employees. Every

1 business with at least two hundred and fifty thousand employees shall pay to each
2 employee wages at a rate of not less than eight dollars and fifty cents per hour for
3 hours worked in a pay period regardless of how the time at work is measured.

4 (3)(a) Beginning January 1, 2016, the minimum wage shall increase annually
5 on January 1 by two and one-half percent.

6 (b) The executive director of the Louisiana Workforce Commission shall
7 calculate the new minimum wage annually and the legislature shall reevaluate the
8 amount every four years beginning with the 2020 Regular Session of the Legislature.

9 B. If, at any time, the federal minimum hourly wage rate set by Section 6 of
10 the federal Fair Labor Standards Act of 1938, or a successor federal law, is raised to
11 a level higher than the state minimum wage rate, then the state minimum wage rate
12 shall be increased to the level of the federal minimum wage rate and all subsequent
13 increases pursuant to Paragraph (A)(3) of this Section shall be applied to the state
14 minimum wage rate.

15 §672. Enforcement

16 The Louisiana Workforce Commission shall be responsible for the
17 enforcement of R.S. 23:671 and is authorized and directed to promulgate rules and
18 regulations pursuant to the provisions of the Administrative Procedures Act
19 necessary for the implementation of the provisions of this Chapter.

20 §673. Penalties

21 A. Whoever violates the provisions of R.S. 23:671 shall be fined not less
22 than five hundred dollars and not more than one thousand dollars per employee not
23 receiving minimum wage. The employer shall pay the employee the difference
24 between the wages actually paid to the employee and the minimum wage rate in
25 effect at the time the employee was paid.

26 B. Penalties may be imposed by a ruling of the executive director pursuant
27 to an adjudicatory hearing held in accordance with the Administrative Procedure Act,
28 R.S. 49:950 et seq.

- 1 §674. Exceptions
- 2 The provisions of this Chapter shall not apply to student employees of the
- 3 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)]

Hunter

HB No. 646

Abstract: Establishes a state minimum wage.

Proposed law establishes a state minimum wage and sets it at \$8.25 per hour for businesses that have 249,999 or fewer employees and \$8.50 per hour for businesses with 250,000 or more employees.

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 at a rate of 2.5% to allow for inflation, beginning July 1, 2016.

Proposed law requires that every 4 years the legislature reexamine the minimum wage, starting with the 2020 Regular Session of the Legislature.

Proposed law provides that the executive director of the Louisiana Workforce Commission (LWC) determine the increase amount and new annual minimum wage rate.

Proposed law requires that if the federal minimum wage is raised, the state minimum wage shall also be raised and the annual increase 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)