

2015 Regular Session

HOUSE BILL NO. 87

BY REPRESENTATIVE NORTON

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

EMPLOYMENT: Provides for equal pay for women

1 AN ACT

2 To amend and reenact R.S. 23:662, 663, 665(C), and 667(A), relative to equal pay for
3 women; to provide with respect to public policy; to provide for definitions; to
4 provide for a complaint procedure; and to provide for related matters.

5 Be it enacted by the Legislature of Louisiana:

6 Section 1. R.S. 23:662, 663, 665(C), and 667(A) are hereby amended and reenacted
7 to read as follows:

8 §662. Declaration of public policy

9 The public policy of this state is that a woman who ~~performs public service~~
10 for is employed in the state of Louisiana is entitled to be paid the same compensation
11 for her service as is paid to a man who performs the same kind, grade, and quality
12 of service, and a distinction in compensation may not be made because of sex.

13 §663. Definitions

14 As used in this Chapter, the following terms shall have the definitions
15 ascribed in this Section unless the context indicates otherwise:

16 (1) "Commission" means the Louisiana Commission on Human Rights.

1 (2) "Employee" means any ~~female individual who is employed to work forty~~
2 ~~or more hours a week and who is employed by the employer~~ permitted to work by
3 an employer.

4 (3) "Employer" means any ~~department, office, division, agency, commission,~~
5 ~~board, committee or other organizational unit of the state~~ an individual, partnership,
6 corporation, association, business, trust, person, labor organization as defined in this
7 Section, or entity for whom fifteen or more employees are gainfully employed within
8 the state and includes the state of Louisiana, any state officer, any department or
9 agency, any unit of local government, and any school district.

10 * * *

11 §665. Complaint procedure

12 * * *

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

19 * * *

20 §667. Limitation of actions

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

26 * * *

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 87 Original

2015 Regular Session

Norton

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

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

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

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

Proposed law extends present law to provide an "employer" is an individual, partnership, corporation, association, business, trust, person, labor organization as defined in this Section, or entity for whom fifteen 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.

Present law 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 establishment.

Proposed law retains present law.

Present law 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.

Proposed law does not require that a suit be brought in the 19th Judicial District Court, but instead, allows suit to be brought in any district court of competent jurisdiction. Proposed law otherwise retains present law.

Present law provides for a one-year prescriptive period in bringing any action to recover from the time the employee knows about the violation. Such action would be filed in the 19th Judicial District Court.

Proposed law changes present law by allowing an action to recover to be filed in a district court of competent jurisdiction.

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