Under the Louisiana Employment Discrimination Law, employers are prohibited from failing or refusing to hire; terminating; limiting, segregating, or classifying; denying training opportunities to; or otherwise discriminating against an individual with respect to compensation or terms, conditions, or privileges of employment based on age, as long as that individual is at least 40 years of age.

Employers are also prohibited from:

- reducing the wage rate of any employee in order to comply with this law; and
- posting help-wanted ads that indicate a preference, limitation, specification, or discrimination based on age.

**Note:** Employers shall post and keep posted in a conspicuous place on their premises a notice setting forth information about this law.

An employer is defined as a person having 20 or more employees during each working day in 20 or more calendar weeks in the current or preceding year.

**AIDS**

*Testing:* Informed consent must be obtained before an individual is tested for AIDS.

**ARRESTS/CONVICTIONS**

No general provision prohibiting an employer’s collection and use of arrest or conviction records. However, employers are prohibited from discriminating against an applicant based on conviction records unless the conviction was a felony and directly relates to the position in question.

**BREAKS**

*Minors:* Minors must be provided with a 30-minute meal break after five hours of work.

**BREAST-FEEDING**

A woman breast-feeding her child in any location, public or private, where she is authorized to be present is not in violation of state law.

**CHILD LABOR**

Click on the following link [www.laworks.net/ORS_minors.asp](http://www.laworks.net/ORS_minors.asp) to access an outline to sections of Louisiana’s minor (child) labor law. There’s also a link to Louisiana’s legislature website and instructions on how to access pertinent sections.
➤ **CHILD SUPPORT**

Employers served with a child support order must begin withholding immediately. Amounts withheld are remitted within seven days after employee is paid. Notify the custodial parent within 10 days if the employee-obligor terminates. The state may serve income withholding orders on employers electronically. Withheld child support is remitted to the state; remitting checks to custodial parents isn’t allowed.

➤ **COURT ATTENDANCE**

See jury duty.

➤ **DISABILITIES**

No qualified person may, on the basis of a disability, be subjected to discrimination in employment. Therefore, employers are prohibited from failing or refusing to hire or promote; failing to reasonably accommodate; terminating; limiting, segregating, or classifying; denying training opportunities to; or otherwise discriminating against an individual with respect to compensation or terms, conditions, or privileges of employment based on disability, unless a *bona fide* occupational qualification exists.

In addition, employers may not make or use a written or oral inquiry or application that elicits or attempts to elicit information concerning the physical impairment of a prospective employee for discriminatory purposes, or make or keep a record of information or disclose information concerning the physical impairment of a prospective employee for discriminatory purposes.

Louisiana’s law governing the rights of persons with disabilities covers employers of 15 or more employees.

➤ **DRUG TESTING**

As provided in Louisiana’s Workers’ Compensation statutes, an employer may require drug testing for the purposes of maintaining the safety of employees or the public, or maintaining productivity or quality. Employers who test for drug use must comply with the National Institute of Drug Abuse Guidelines.

Applicants may be required, as a condition of employment, to submit to testing. Current employees may be required to submit to testing:

1. following an on-the-job accident;
2. upon reasonable suspicion of drug use; or
3. to ensure compliance with a rehabilitation program.

**Note:** Random testing is permissible for employees in safety-sensitive positions.
➤ FAMILIAL/MARITAL STATUS

No provisions specified in the general employment context.

➤ FAMILY/MEDICAL LEAVE

See medical donation leave and pregnancy.

➤ GENETIC TESTING

Employers are prohibited from discharging, failing or refusing to hire, or otherwise discriminating against an individual with respect to compensation or terms, conditions, or privileges of employment because of protected genetic information or because of information about a request for, or the receipt of, genetic services by the employee. Requiring, collecting, or purchasing protected genetic information, or information about a request for or the receipt of genetic services by an employee is also prohibited.

Genetic monitoring of the biological effects of toxic substances in the workplace will be permitted if certain conditions are met.

➤ HEALTH CARE CONTINUATION COVERAGE

Continuation coverage requirements apply to employers with fewer than 20 employees. Eligible employees have the right to continue coverage for up to 12 months.

Click on the following link http://legis.la.gov/legis/Law.aspx?d=507886 to access the state law.

➤ JURY DUTY

Employers may not discharge, without cause, employees called to serve or who are currently serving jury duty. Employees who are unlawfully discharged are entitled to reinstatement and all wages, benefits, and other incidents of employment enjoyed prior to discharge. Persons called for jury service must be given up to one day leave of absence, without loss of wages or sick, emergency, or personal leave, or any other benefits.

➤ LIFESTYLE DISCRIMINATION

It is unlawful for an employer to discriminate against individuals because they are smokers or non-smokers, provided that during the course of employment they comply with applicable laws and workplace policies regulating smoking. Employers cannot require, as a condition of employment, that an individual abstain from smoking or using tobacco products outside the course of employment.
MASS LAYOFF NOTIFICATION

No state-specific notification provision.

MEDICAL DONATION LEAVE

Employers with 20 or more employees at one worksite must permit employees who work an average of 20 or more hours per week up to 40 hours of paid annual leave to serve as a bone marrow donor. Employers are permitted to require verification by a physician of the purpose and length of each leave request.

MILITARY LEAVE

The employment rights of employees who are members of, or apply to be members of, or perform, have performed, or have an obligation to perform service in, a uniformed service (Armed Forces, Army National Guard, Air National Guard, commissioned corps of the Public Health Service, and anyone designated as part of the uniformed service by the President during times of war or emergency) are protected by the state’s military leave law.

Employees must be treated as being on a military leave of absence during the period of service, provided the employee notifies the employer in writing of the intent to return to employment after the period of service ends. Employees may use any amount of accrued annual leave, paid military leave, vacation, or compensatory leave during the period of military leave.

Employees continue to accrue sick leave, annual leave, vacation leave, military leave, holiday pay, and any paid leave as if the employee were still working. Employers may not deduct from an employee’s compensation the cost of replacing the employee during a military leave of absence. In addition, employees may maintain their group insurance benefits if any premiums are paid during military leave, but must notify the employer of the election to continue coverage before leaving for military leave, and must make all required payments.

An employer may pay compensation to any employee who leaves employment to perform services in the uniformed services. If the employer elects to pay the compensation, it must do so on a uniform basis to all its employees who take military leave.

Reinstatement: Employees are entitled to reemployment within 10 days if: 1) advance written or oral notice of the need for military leave was provided to the employer; 2) the cumulative length of the absence does not exceed five years; and 3) the person notifies the employer in writing of the intent to return to a position of employment with the employer.

The timeframe for submitting written notice of the intent to return to a position of employment is based on length of service.

- For service less than 31 days, written notice must be made not later than the beginning of the first full calendar day following completion of service and eight hours after time required for transportation from the place of service to an employee’s residence.
- For service lasting more than 30 days but less than 180 days, written notice is due no later than 14 days after the completion of service.
• For service lasting more than 180 days, written notice is due no later than 90 days after completion of service.

• If an employee was injured during service, written notice is due at the end of the recovery period, which may not exceed two years.

Employers are not required to reinstate these employees if it is impossible or unreasonable because of changed circumstances.

Veterans: Employers can’t discriminate against, discharge, or otherwise discipline veterans who must take time off from work for medical appointments necessary to secure veterans’ benefits. If requested, vets must provide verification (e.g., by presenting bills, receipts, or similar documents from medical providers) of their medical appointments to their employers.

➤ MINIMUM WAGE

Minimum hourly wage/overtime rate: $7.25/$10.88.
Basis for overtime: Over 40 hours/week.
Opportunity wage for under 20-year-olds: $4.25.

➤ NATIONAL ORIGIN

Under the Louisiana Employment Discrimination Law, employers are prohibited from failing or refusing to hire; terminating; limiting, segregating, or classifying; denying training opportunities to; or otherwise discriminating against an individual with respect to compensation or terms, conditions, or privileges of employment based on national origin.

An employer is defined as a person having 15 or more employees during each working day in 20 or more calendar weeks in the current or preceding year.

➤ NEW-HIRE REPORTING

Data to be reported: Employee’s or independent contractor’s name, address, SSN, occupation, first day of work; employer’s name, address, federal EIN.

Reporting deadline/form: Within 20 days of hire or rehire; on W-4s or through the state’s website.

➤ OVERTIME

Basis for overtime: Over 40 hours in a workweek.

➤ PAY STATEMENTS

Information required: No provision.
 PERSONNEL FILES

Employees have a right to access records relating to any confirmed positive drug tests and any records relating to the results of any relevant certification, review, or suspension/revocation of certification proceedings. In addition, any current or former employee or the employee’s designated representative has the right to access employer records of employee exposure to potentially toxic materials or harmful physical agents, and to employee medical records and any analyses made using employee exposure or medical records.

 POLYGRAPH TESTING

No provisions specified in the general employment context.

 POSTING REQUIREMENTS

Unemployment Insurance — All employers
Workers’ Compensation — All employers
Child Labor Law — All employers
Sickle Cell Anemia — All employers
Workers’ Compensation Fraud — Recommended
Vehicle Registration — All employers
Discrimination Due to Genetic Information — All employers
Equal Opportunity — Required only if operation receives federal funds
National Guard — All employers
Timely Payment of Wages — All employers
Smoking Policy — All employers
No Smoking Allowed — All employers who prohibit smoking in and/or around business
Age Discrimination — All employers
Earned Income Credit — All employers
Whistleblower Protection — Public employers who employ more than 10 employees in a single building
Employee or Independent Contractor — All employers
National Human Trafficking Resource Center Hotline — Hotels, massage parlors, spas, gas stations, strip clubs, abortion providers
➤ PREGNANCY ➤

Coverage: Employers of more than 25 persons.

General rule: Employers may not refuse to allow an employee affected by pregnancy, childbirth, or related medical conditions to receive the same benefits or privileges of employment granted by that employer to employees who are similar in their ability or inability to work who are not pregnant, including the right to take disability or sick leave or any other accrued leave that is made available by the employer to employees with temporary disabilities.

Length of leave: Pregnancy leave may not exceed four months.

Paid leave: Employees may use any accrued vacation leave during a pregnancy leave.

Benefits: Nothing in the rules governing pregnancy in the workplace requires employers to provide employees with health insurance coverage for the medical costs of pregnancy, childbirth, or related medical conditions. While pregnancy, childbirth, and related medical conditions are to be treated as any other temporary disability, employers aren’t required to provide disability leave of more than six weeks to pregnant employees.

Notification: Employers may require any employee who plans to take a pregnancy leave to give reasonable notice of the date the leave is scheduled to begin and its estimated duration.

➤ RACE ➤

Under the Louisiana Employment Discrimination Law, employers are prohibited from failing or refusing to hire; terminating; limiting, segregating, or classifying; denying training opportunities to; or otherwise discriminating against an individual with respect to compensation or terms, conditions, or privileges of employment based on race or color.

An employer is defined as a person having 15 or more employees during each working day in 20 or more calendar weeks in the current or preceding year.

➤ REFERENCES ➤

References: An employer is immune from liability if, on request by a prospective employer or a current/former employee, the employer provides accurate information about a current/former employee’s job performance or reasons for separation. Immunity is lost if the employer acts in bad faith, as shown by disclosing knowingly false or deliberately misleading information or acting maliciously. The prospective employer is immune from liability for negligent hiring or retention if it reasonably relies on information provided by a former employer, unless further investigation is required by law.

A bank, savings and loan association, or credit union may give a written employment reference to any other such financial institution, including information reported to federal banking regulators, concerning theft, embezzlement, or other defalcation. If the party providing the reference also sends a copy of it to the employee, that party cannot be held liable unless it knowingly and maliciously provides false information in the reference.

Social media: Employers can’t request or require employees or job applicants to disclose information that allows access to their personal online accounts, or discharge, discipline, fail to
hire, or otherwise penalize or threaten to penalize employees or job applicants who don’t disclose this information. However, employers may request or require employees or job applicants to disclose the information if they pay for the electronic devices or employees’ accounts or services, or the accounts or services are business related. Employers aren’t liable if they inadvertently receive employees’ or job applicants’ personal online account information; however, employers can’t use this information. Employers may obtain information that is already public.

Employers must continue to comply with a duty to screen employees or job applicants prior to hiring. Employers must also continue to monitor employee communications, as required by state or federal law. Employers may restrict or prohibit employees or job applicants from accessing certain websites on employer-provided devices or while employees are using business networks or resources. Employees may be required to disclose their personal e-mail addresses in order to facilitate communication if employers’ e-mail systems fail.

➢ RELIGION ➢

Under the Louisiana Employment Discrimination Law, employers are prohibited from failing or refusing to hire; terminating; limiting, segregating, or classifying; denying training opportunities to; or otherwise discriminating against an individual with respect to compensation or terms, conditions, or privileges of employment based on religion or creed.

An employer is defined as a person having 15 or more employees during each working day in 20 or more calendar weeks in the current or preceding year.

➢ REPORTING PAY ➢

No provision.

➢ SAFETY ➢

There is no OSHA-monitored state plan. For questions and answers about workplace safety and health, click on www.laworks.net/FAQs/FAQ_workcomp_OSHA.asp.

➢ SCHOOL VISITATION LEAVE ➢

Employers may grant employees up to 16 hours of leave during any 12-month period to attend conferences or activities at a school or day care center that cannot reasonably be scheduled during non-work hours.

Employees must provide reasonable notice prior to the leave and make a reasonable effort to schedule the leave so as to not unduly disrupt the employer’s operations. Employers are not required to pay employees for any time taken as school visitation leave, but employees may substitute any accrued vacation time or other appropriate paid leave for such leave.

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➤ SEX DISCRIMINATION ➤

Under the Louisiana Employment Discrimination Law, employers are prohibited from failing or refusing to hire; terminating; limiting, segregating, or classifying; denying training opportunities to; or otherwise discriminating against an individual with respect to compensation or terms, conditions, or privileges of employment based on sex.

An employer is defined as a person having 15 or more employees during each working day in 20 or more calendar weeks in the current or preceding year.

➤ SEXUAL HARASSMENT ➤

An executive order states that harassment based on sex is strictly prohibited in state employment.

➤ SEXUAL ORIENTATION DISCRIMINATION ➤

No provision.

➤ SMOKING ➤

The Louisiana Smoke-Free Air Act prohibits smoking in any public building, any school, and any public place and in any enclosed area within a place of employment, with limited exceptions.

Owners, operators, managers, and other persons in control of such places must conspicuously post “no smoking” signs.

See also lifestyle discrimination.

➤ SOCIAL SECURITY NUMBER PRIVACY ➤

Employers that own or license computerized data that includes employees’ personal information (e.g., employees names and Social Security numbers) must implement and maintain reasonable security procedures that are appropriate to the nature of the information required to be protected. Employers must also take reasonable steps to destroy or arrange for the destructions of records that include employees’ PII (e.g., shredding, erasing, or otherwise modifying the records so that they are unreadable).

Data breaches must be reported within 60 days, unless the employer has been advised to the contrary by law enforcement. Reporting is also unnecessary if, after a reasonable investigation, employers determine that there is no reasonable likelihood of hardship to employees. Employers must retain a written determination supporting their decisions for five years.

➤ UNEMPLOYMENT INSURANCE ➤

Click on www.laworks.net/UnemploymentInsurance/UI_MainMenu.asp to access the Louisiana Workforce Commission unemployment insurance home page. For frequently asked questions concerning unemployment insurance benefit charges, click on www.laworks.net/FAQs/FAQ_UI_BenefitCharges.asp.
➤ VACATION PAY UPON TERMINATION

Terminating employees must be paid all earned vacation pay if, under the employer’s policy, they are eligible for and have accrued the right to take paid vacations, and they have not taken or been compensated for the vacation pay as of the date of discharge or resignation.

➤ VIOLENCE

Concealed weapons: A person who lawfully possesses a firearm may transport or store such firearm in a locked, privately-owned motor vehicle in any parking lot, parking garage, or other designated parking area. However, employers may adopt and maintain policies specifying that firearms stored in locked, privately-owned motor vehicles on property controlled by the employer be hidden from plain view or within a locked case or container within the vehicle.

➤ VOTING

No time-off-to-vote provision.

➤ WAGE DEDUCTIONS

Employers are not permitted to assess any fines against their employees or deduct any sum as fines from their wages. Deductions from the wages of public employee are permitted for mandated federal or state income tax withholding; credit unions; garnishments; liens; union dues; savings bonds programs; education savings accounts; qualified United Way entities; health and life insurance products offered through the Office of Group Benefits; products having state participating contributions that are sponsored by the Office of Group Benefits, which qualify and are offered under Section 125 of the Internal Revenue Code (Cafeteria Plan); and products offered without state contributory participation that have been evaluated and approved in accordance with rules and procedures promulgated by the commissioner of administration.

Public employees may authorize voluntary payroll deductions to any qualified non-profit community health and human services charity, coordinated and payable through the Louisiana Association of United Ways. Qualified non-profit community health and human services charities don’t include charities that are organized for cultural, educational, religious, or political purposes.

➤ WAGE GARNISHMENT

The lesser of 25% of disposable weekly pay, or the amount by which disposable weekly pay exceeds 30 times the federal minimum wage in effect during the week the garnishment is to occur, may be withheld. Employers may not discharge an employee for any one indebtedness, but may discharge an employee for three unrelated debts in a two-year period.

➤ WAGE PAYMENT ON TERMINATION

Employee who quits: Earlier of next payday or 15 days.

Employee who’s fired: Earlier of next payday or 15 days.
➢ WAGE PAYMENTS

Payday requirements: On the 1st and 16th of every month, if paydays aren’t posted.

Direct deposit: Employers may require employees to be paid electronically, if the employees incur no expense.

➢ WHISTLEBLOWING

No firm, business, private or public corporation, partnership, individual employer, or federal, state, or local governmental agency may retaliate against an employee acting in good faith who: 1) discloses or threatens to disclose to a supervisor or to a public body an activity, policy, or practice of an employer that the employee reasonably believes is in violation of an environmental law, rule, or regulation; or 2) provides information to or testifies before any public body conducting an investigation, hearing, or inquiry into any environmental violation by the employer.

➢ WORK AUTHORIZATION

Employers of 11 or more employees may have their hiring practices investigated by any state agency or political subdivision. Investigations are tailored to discover whether employers knowingly employ aliens not authorized to work in the United States. Agencies may reveal their results to the attorney general or district attorney. The attorney general or district attorney may issue cease-and-desist orders to employers and order employers to fire any worker. Employers have 10 days to comply.

Private employers that bid on public contracts must register and participate in E-Verify. General contractors must receive affidavits from their subcontractors that the subcontractors participate in E-Verify. Contractors that fail to use E-Verify may have their contracts canceled or lose their licenses or permits to do business in the state.

➢ WORKERS’ COMPENSATION

Click on www.laworks.net/WorkersComp/OWC_EmployerMenu.asp to access the Louisiana Workforce Commission Workers’ Compensation home page for employers.