LOUISIANA
LABOR LAWS

STATE AND FEDERAL 2020 LABOR LAWS

Equal Employment Opportunity is

THE LAW

Private Employers, State and Local Governments, Educational Institutions, Employment Agencies and Labor Organizations

Applicants to and employees of most private employers, state and local governments, educational institutions, employment agencies and labor organizations are protected under Federal law from discrimination on the following bases:

RACE, COLOR, RELIGION, SEX, NATIONAL ORIGIN
Title VII of the Civil Rights Act of 1964, as amended, protects applicants and employees from discrimination in hiring, promotion, discharge, pay, fringe benefits, job assignments, training, classroom or other educational programs, layoff, or other aspects of employment, on the basis of race, color, religion, sex (including pregnancy), or national origin. Religious organizations are exempt from Title VII with regard to religious practices of employers religious practices where the accommodation does not impose undue hardship.

DISABILITY
Title I and Title V of the Americans with Disabilities Act of 1990, as amended, protects applicants and employees from discrimination on the basis of disability in hiring, promotion, discharge, pay, fringe benefits, job training, classification, referral, and other aspects of employment. Disability discrimination includes not making reasonable accommodation to the known physical or mental limitations of an otherwise qualified individual with a disability who is an applicant or employee, unless undue hardship.

AGE
The Age Discrimination in Employment Act of 1967, as amended, protects applicants and employees 40 years of age or older from discrimination based on age in hiring, promotion, discharge, pay, fringe benefits, job training, classification, referral, and other aspects of employment.

SEX (WAGES)
In addition to sex discrimination prohibited by Title VII of the Civil Rights Act, as amended, the Equal Pay Act of 1963, as amended, prohibits discrimination on the basis of sex in the payment of wages to women and men performing jobs that require substantially equal work, in jobs that require equal skill, effort, and responsibility, under similar working conditions, in the same establishment.

GENETICS
Title II of the Genetic Information Nondiscrimination Act of 2008 protects applicants and employees from discrimination based on genetic information in hiring, promotion, discharge, pay, fringe benefits, job training, classification, referral, and other aspects of employment. Title also restricts employers' acquisition of genetic information from their employees and applicants for employment. Genetic information includes information about genetic tests of applicants, employees, or their family members; the manifestation of diseases or disorders in family members (family medical history); and requests for or receipt of genetic services by applicants, employees, or their family members.

RETALIATION
All of these Federal laws prohibit covered entities from retaliating against a person who files a charge of discrimination, participates in a discrimination proceeding, or otherwise opposes an unlawful employment practice.

WHAT TO DO IF YOU BELIEVE DISCRIMINATION HAS OCCURRED
There are strict time limits for filing charges of employment discrimination. To preserve your rights, promptly contact EEOC to ask you (your behalf and to protect your right to file a private lawsuit, should you ultimately need to file) to file a charge with EEOC. EEOC strongly prefers representation by applicants.

The Equal Employment Opportunity Commission (EEOC), 1-800-669-4000 (TTY 1-800-669-6820), is the agency responsible for compliance with and enforcement of the above Federal laws. EEOC field office information is available at www.eeoc.gov or in most telephone directories in the U.S. government section. Additional information about EEOC, including information about charge filing, is available at www.eeoc.gov.

Employers Holding Federal Contracts or Subcontracts

Applicants to and employees of companies with a Federal government contract or subcontract are protected under Federal law from discrimination on the following bases:

RACE, COLOR, RELIGION, SEX, NATIONAL ORIGIN
Executive Order 11246, as amended, prohibits job discrimination on the basis of race, color, religion, sex or national origin, and requires affirmative action to ensure equality of opportunity in all aspects of employment.

INDIVIDUALS WITH DISABILITIES
Section 503 of the Rehabilitation Act of 1973, as amended, protects qualified individuals from discrimination on the basis of disability in hiring, promotion, discharge, pay, job training, classification, referral, and other aspects of employment. Disability discrimination includes not making reasonable accommodation to the known physical or mental limitations of an otherwise qualified individual with a disability who is an applicant or employee, unless undue hardship. Section 503 also requires that Federal contractors take affirmative action to employ and advance in employment qualified individuals with disabilities at all levels of employment, including the top management.

DISABLED, RECENTLY SEPARATED, OTHER PROTECTED, AND ARMED FORCES SERVICE MEDAL VETERANS
The Vietnam Era Veterans' Readjustment Assistance Act of 1974, as amended, 38 U.S.C. 4212, prohibits job discrimination and requires affirmative action to employ and advance in employment disabled veterans, recently separated veterans (within three years of discharge or release from active duty), other protected veterans (veterans who served during a war or in a campaign or expedition for which a campaign badge has been authorized), and Armed Forces service medal veterans (veterans who served on active duty during a campaign or in a U.S. military operation for which an Armed Forces service medal was awarded).

RETALIATION
Retaliation is prohibited against a person who files a complaint of discrimination, participates in an OFCCP proceeding, or otherwise opposes discrimination under these Federal laws.

Any person who believes a contractor has violated its nondiscrimination or affirmative action obligations under the authorities above should contact immediately:

The Office of Federal Contract Compliance Programs (OFCCP), Office of Civil Rights, Central Region, 525 Griffin Street, Room 840, Dallas, TX 75202, 1-800-397-6251 (voice) or 202-693-1337 (TTY). OFCCP may also be contacted by e-mail at OFCCP-Public@dol.gov. Information about OFCCP, including how to file a complaint, is available at www.dol.gov/ofccp/regs/compliance/ofccp.htm and in most telephone directories under U.S. Government, Department of Labor.

Programs or Activities Receiving Federal Financial Assistance

RACE, COLOR, NATIONAL ORIGIN, SEX
In addition to the protections of Title VII of the Civil Rights Act of 1964, as amended, Title VI of the Civil Rights Act of 1964, as amended, prohibits discrimination on the basis of race, color or national origin in programs or activities receiving Federal financial assistance. Disparate treatment is prohibited. Title IX of the Act prohibits discrimination on the basis of sex in education programs or activities where Federal financial assistance is provided. Harassment is prohibited on the basis of sex in educational programs or activities which receive Federal financial assistance.

INDIVIDUALS WITH DISABILITIES
Section 504 of the Rehabilitation Act of 1973, as amended, prohibits discrimination on the basis of disability in any program or activity which receives Federal financial assistance. Discrimination is prohibited in all aspects of employment against persons with disabilities who can, with reasonable accommodation, perform the essential functions of the job.

If you believe you have been discriminated against in a program of any institution which receives Federal financial assistance, you should immediately contact the Federal agency providing such assistance.

REV.0 3/05 and OFCCP MOE revisions (October 30th, 2006) Supplement *REV.0 FMLA - (Revised 11/06)*

OSHA Occupational Safety and Health Administration

Job Safety and Health IT'S THE LAW!

All workers have the right to:

- A safe workplace.
- Raise a safety or health concern with your employer or OSHA, or report a work-related injury or illness, without being retaliated against.
- Receive information and training on job hazards, including all hazardous substances in your workplace.
- Request an OSHA inspection of your workplace if you believe there are unsafe or unhealthy conditions. OSHA will keep your name confidential. You have the right to have a representative contact OSHA on your behalf.
- Participate (or have your representative participate) in an OSHA inspection and speak in private to the inspector.
- File a complaint with OSHA within 30 days (by phone, online or by mail) if you have been retaliated against for using your rights.
- See any OSHA citations issued to your employer.
- Request copies of your medical records, tests that measure hazards in the workplace, and the workplace injury and illness log.

This poster is available free from OSHA.

Employers must:

- Provide employees a workplace free from recognized hazards. It is illegal to retaliate against an employee for using any of their rights under the law, including raising a health and safety concern with you or with OSHA, or reporting a work-related injury or illness.
- Comply with all applicable OSHA standards.
- Notify OSHA within 8 hours of a workplace fatality or within 24 hours of any work-related inpatient hospitalization, amputation, or loss of an eye.
- Provide required training to all workers in a language and vocabulary they can understand.
- Prominently display this poster in the workplace.
- Post OSHA citations at or near the place of the alleged violations.

On-Site Consultation services are available to small and medium-sized employers, without citation or penalty, through OSHA-supported consultation programs in every state.

Contact OSHA. We can help.

1-800-321-OSHA (6742) • TTY 1-877-889-5627 • www.osha.gov

EMPLOYEE RIGHTS
UNDER THE FAMILY AND MEDICAL LEAVE ACT

THE UNITED STATES DEPARTMENT OF LABOR WAGE AND HOUR DIVISION

LEAVE ENTITLEMENTS
Eligible employees who work for a covered employer can take up to 12 weeks of unpaid, job-protected leave in a 12-month period for the following reasons:
- The birth of a child or placement of a child for adoption or foster care;
- To bond with a child (leave must be taken within 1 year of the birth or placement);
- To care for the employee's spouse, child, or parent who has a qualifying serious health condition;
- For the employee's own qualifying serious health condition that makes the employee unable to perform the employee's job;
- For qualifying exigencies related to the foreign deployment of a military member who is the employee's spouse, child, or parent.

An eligible employee who is a covered servicemember's spouse, child, parent, or next of kin may also take up to 26 weeks of FMLA leave in a single 12-month period to care for the servicemember with a serious injury or illness.

An employee does not need to use leave in one block. When it is medically necessary or otherwise permitted, employees may take leave intermittently or on a reduced schedule.

Employees may choose, or an employer may require, use of accrued paid leave while taking FMLA leave. If an employee substitutes accrued paid leave for FMLA leave, the employee must comply with the employer's normal paid leave policies.

While employees are on FMLA leave, employers must continue health insurance coverage as if the employees were not on leave.

Upon return from FMLA leave, most employees must be restored to the same job or one nearly identical to it with equivalent pay, benefits, and other employment terms and conditions.

An employer may not interfere with an attempt to exercise rights under the law, nor may it discriminate against someone for opposing any practice made unlawful by the FMLA, or being involved in any proceeding under or related to the FMLA.

BENEFITS & PROTECTIONS

ELIGIBILITY REQUIREMENTS
An employee who works for a covered employer must meet three requirements in order to be eligible for FMLA leave. The employee must:
- Have worked for the employer for at least 12 months;
- Have at least 1,250 hours of service in the 12 months before taking leave; *and*
- Work at a location where the employer has at least 50 employees within 75 miles of the employee's worksite.

REQUESTING LEAVE
Generally, employees must give 30-days' advance notice of the need for FMLA leave. If it is not possible to give 30-days' notice, an employee must notify the employer as soon as possible and, generally, follow the employer's usual procedures.

Employees do not have to share a medical diagnosis, but must provide enough information to the employer so it can determine if the leave qualifies for FMLA protection. Sufficient information could include informing an employer that the employee is or will be unable to perform his or her job functions, that a family member cannot perform daily activities, or that hospitalization or medical treatment for a serious health condition is anticipated. Employees must inform the employer if the need for leave is for a reason for which FMLA leave was previously taken or certified.

Employers can require a certification or periodic recertification supporting the need for leave. If the employer determines that the certification is incomplete, it must provide written notice stating what additional information is required.

Once an employer becomes aware that an employee's need for leave is for a reason that may qualify under the FMLA, the employer must notify the employee if it is coverage under, or eligibility to FMLA leave, and, if eligible, must also provide a notice of rights and responsibilities under the FMLA. If the employer is not eligible, the employer must provide a reason for ineligibility.

Employers must notify its employees if leave will be designated as FMLA-qualifying, and how much leave will be designated as FMLA leave.

Employers may file a complaint with the U.S. Department of Labor, Wage and Hour Division, or may bring a private lawsuit against an employer.

The FMLA does not affect any federal or state law prohibiting discrimination or supersede any state or local law or collective bargaining agreement that provides greater family or medical leave rights.

EMPLOYER RESPONSIBILITIES

ENFORCEMENT

For additional information or to file a complaint:
1-866-487-9243TTY
(1-866-487-9243) TTY 1-877-889-5627
www.dol.gov/whd
U.S. Department of Labor | Wage and Hour Division

EMPLOYEE RIGHTS
EMPLOYEE POLYGRAPH PROTECTION ACT

THE EMPLOYEE POLYGRAPH PROTECTION ACT PROHIBITS MOST PRIVATE EMPLOYERS FROM USING LIE DETECTOR TESTS EITHER FOR PRE-EMPLOYMENT SCREENING OR DURING THE COURSE OF EMPLOYMENT.

PROHIBITIONS
Employers are generally prohibited from requiring or requesting any employee or job applicant to take a lie-detector test, and from discharging, disciplining, or discriminating against an employee or prospective employee for refusing to take a test or for exercising other rights under the Act.

EXEMPTIONS
Federal, State and local governments are not affected by the law. Also, the law does not apply to tests given by the Federal Government to certain private individuals engaged in national security-related activities.

The Act permits polygraph (a kind of lie detector) tests to be administered in the private sector, subject to restrictions, to certain prospective employees of security service firms (armored car, alarm, and guard), and of pharmaceutical manufacturers, distributors and dispensers.

The Act also permits polygraph testing, subject to restrictions, of certain employees of private firms who are reasonably suspected of involvement in a workplace incident (theft, embezzlement, etc.) that resulted in economic loss to the employer.

The law does not preempt any provision of any State or local law or any collective bargaining agreement which is more stringent than or which is in addition to the law.

EXAMINER RIGHTS
Where polygraph tests are permitted, they are subject to numerous strict standards concerning the conduct and length of the test. Examiners have a number of specific rights, including the right to a written notice before testing, the right to refuse to administer a test, and the right not to have test results used improperly.

ENFORCEMENT
The Secretary of Labor may bring court actions to restrain violations and assess civil penalties against violators. Employees or job applicants may also bring their own court actions.

THE LAW REQUIRES EMPLOYERS TO DISPLAY THIS POSTER WHERE EMPLOYEES AND JOB APPLICANTS CAN READILY SEE IT.

WHD WAGE AND HOUR DIVISION
UNITED STATES DEPARTMENT OF LABOR
1-866-487-9243
TTY 1-877-889-5627
www.dol.gov/whd

ComplianceSigns.com

NOTICE TO EMPLOYERS:

This poster is designed to fulfill Federal and State workplace posting requirements. Keep this posted in a conspicuous place.

You may wish to consult with legal counsel for any additional posting requirements for your business.

YOUR RIGHTS UNDER USERRA
THE UNIFORMED SERVICES EMPLOYMENT AND REEMPLOYMENT RIGHTS ACT

USERRA protects the job rights of individuals who voluntarily or involuntarily leave employment positions to undertake military service or certain types of service in the National Disaster Medical System. USERRA also prohibits employers from discriminating against past and present members of the uniformed services, and applicants to the uniformed services.

REEMPLOYMENT RIGHTS
You have the right to be reemployment in your pre-uniformed job if you meet the job to perform service in the uniformed service and:
- you ensure that your employer receives advance written or verbal notice of your service;
- you have five years or less of cumulative service in the uniformed services while with that particular employer;
- you return to work or apply for reemployment in a timely manner after conclusion of service; and
- you have not been separated from service with a disqualifying discharge or under other than honorable conditions.

If you are eligible to be reemployed, you must be restored to the job and benefits you would have attained if you had not been absent due to military service or in some cases, a comparable job.

RIGHT TO BE FREE FROM DISCRIMINATION AND RETALIATION
If you:
- are a past or present member of the uniformed service,
- have applied for membership in the uniformed service, or
- are obligated to serve in the uniformed service;

then an employer may not deny you:
- initial employment,
- reemployment,
- retention in employment,
- promotion, or
- any benefit of employment

because of this status.

In addition, an employer may not retaliate against anyone assisting in the enforcement of USERRA rights, including testifying or making a statement in connection with a proceeding under USERRA, even if that person has no service connection.

The rights listed here vary depending on the circumstances. The text of this notice was prepared by VETS, and may be viewed on the internet at this address: http://www.dol.gov/vets/programs/userra/poster.htm. Federal law requires employers to notify employees of their rights under USERRA, and employers may meet this requirement by displaying the text of this notice where they customarily place notices for employees.

U.S. Department of Labor 1-866-487-2365 | U.S. Department of Justice | Office of Special Counsel 1-800-336-4590 | Publication Date - April 2017

HEALTH INSURANCE PROTECTION
- If you have your job to perform military service, you have the right to elect to continue your existing employer-based health plan coverage for you and your dependents for up to 24 months while in the military.
- Even if you elected to continue coverage during your military service, you have the right to be reinstated in your employer's health plan when you are reemployed, generally without any waiting periods or exclusions (e.g., pre-existing condition exclusions) except for service-connected illnesses or injuries.

ENFORCEMENT
- The U.S. Department of Labor, Veterans Employment and Training Service (VETS) is authorized to investigate and resolve complaints of USERRA violations.
- For assistance in filing a complaint, or for any other information on USERRA, contact VETS at **1-866-4-USA-DOL** or visit its **website at http://www.dol.gov/vets.** An interactive online USERRA Advisor can be created at **http://www.dol.gov/elaws/vets.htm.**
- If you file a complaint with VETS and VETS is unable to resolve it, you may request that your case be referred to the Department of Justice or the Office of Special Counsel, as applicable, for representation.
- You may also bypass the VETS process and bring a civil action against an employer for violations of USERRA.

Louisiana Minor Labor Law Placard
Title 23, Chapter 3 of Revised Statutes of 1950 as Amended

No minor under the age of 16 years shall be employed until the employer secures an affidavit from the parent or guardian of such minor issued by the city or parish superintendent of schools.

No minor under the age of 16 years may be employed, permitted, or suffered to work except as provided in RS 23:151.

Youths 14 and 15 years old may work outside school hours in various non-manufacturing, non-mining, non-hazardous jobs under the following conditions, if no more than:

- 3 hours on a school day or 18 hours in a school week;
- 8 hours on a non-school day or 40 hours in a non-school week.

Also, work may not begin before 7 a.m. or end after 7 p.m., except from June 1 through Labor Day, when evening hours are extended to 9 p.m.

No minor under the age of 18 years may be employed, permitted, or suffered to work for any five hour period without one interval of at least thirty consecutive minutes. The thirty minutes of rest shall not be included as part of the working hours of the day.

There are no time standards for minors 16 and 17 years of age regarding the numbers of hours worked per day or per week. However, minors shall be allowed to work only during the period of each each day before the commencement of the next day of work.

For purposes of the following items, a day during school is in session means any school day for which the local school superintendent for the school district in question has ruled it school.

1. No minor 16 years of age who has not graduated from high school shall be employed, or permitted, or suffered to work between the hours of 11:00 p.m. and 6:00 a.m. prior to the start of any school day.
2. No minor 17 years of age who has not graduated from high school shall be employed, or permitted, or suffered to work between the hours of 12:00 a.m. and 5:00 a.m. prior to the start of any school day.
3. No minor under 18 years of age who has not graduated from high school shall work more than 40 hours per week, nor more than 8 hours per day of 7:00 a.m. and 7:00 a.m., except from June 1 through Labor Day, at which time the permissible hours are extended to 9:00 p.m.
4. No minor under the age of 18 years shall be employed, permitted, or suffered to work more than three hours each day on any day when school is in session, nor more than eighteen hours in any week when school is in session.

Prohibited Employment

Minors (except those indentured as apprentices in accordance with Chapter 4 of Revised Statutes, Title 23) shall not be employed, permitted, or suffered to work in the following occupations:

1. In oiling, cleaning, or wiping machinery or shafting, or in applying belts to pulleys;
2. In or about any mine or quarry;
3. In or about places where cutting or polishing is done;
4. In or about any plant manufacturing explosives or articles containing explosive components, or in the use or transportation of the same;
5. In or about iron or steel manufacturing plants, ore reduction works, smelters, foundries, forging shops, hot rolling mills, or in any other place in which the heat treatment of metals is done;
6. In the operation of machinery used in the cold rolling of heavy metals, or in operation of power-driven machinery for punching, shearing, stamping, bending, or pleating metals;
7. In or about sawmills or cooperage-stock mills;
8. In the operation of power-driven woodworking machines, or off-bearing from circular saws;
9. In logging operations;
10. As a driver of any motor vehicle on a public road if they are 16 years of age or younger. Minors 17 years of age may drive such vehicles provided such minor is not a driver of a motor vehicle subject to certain restrictions. (For an explanation of these restrictions contact the Louisiana Workforce Commission at 225-342-7555.)
11. In the operation of passenger or freight elevators or hoisting machines;
12. In spray painting or in operations where exposure to lead or its compounds, or to dangerous or poisonous dyes and chemicals;
13. In any place or establishment in which the sale of alcoholic beverages, as defined in R.S. 26:241, constitutes its main business, unless the minor is the child or spouse of the owner, or the establishment is operated under contract with the holder of the alcohol beverage permit for a specified time period and is under direct supervision of his parent or legal guardian. Minors may work in such a place or establishment if the duty assigned minor does not involve serving or permit a minor to be within the sale of alcoholic beverage does not constitute the main business of the establishment, provided such minor is at least 18 years of age and the minor's employment does not involve the sale, mixing, dispensing, or serving of alcoholic beverages for consumption on the premises.
14. In any other place or employment in any other occupation that the Director of Workforce Development shall, after public hearing thereon, determine dangerous or injurious to the life, health, safety or welfare of such minors.

Specific Violations: Penalty

Any Person Who:

1. Employs, permits or suffers a minor to work in violation of the provision of this law;
2. Refuses to the Director of Workforce Development or authorized representative of the Director of Workforce Development, any employer, or otherwise obstructs the Director of Workforce Development or representatives in the performance of their duties; or
3. Hides or causes any minor to conceal himself from the sight or approach of any officer charged with the enforcement of the provision of this Part; or
4. Violates any other provisions of this Part for which a penalty is not specifically provided, shall be fined not less than ten dollars ($10.00) nor shall exceed the sum of five hundred ($500), or imprisoned for not less than thirty (30) days nor more than six months, or both.

Any person who violates these provisions shall, in addition to the criminal penalty provided above, be liable for a civil penalty not to exceed five hundred dollars ($500) for each violation which occurs.

Continuing Violations: Penalty

Each day during which any violation of these provisions continues shall constitute a separate offense and the employment of any minor in violation of these provisions shall, with respect to each minor, constitute a separate offense.

R.S. 23:291
Revised August 18, 2011

LOUISIANA WORKFORCE COMMISSION
www.laworks.net

An Equal Opportunity Employer Program. | Auxiliary aids and services are available upon request to individuals with disabilities. | 800-259-5154 (TDD)

Age Discrimination

The prohibitions herein listed shall be limited to individuals who are at least 40 years of age.

A. It is unlawful for an employer to engage in any of the following practices:
1. Fail or refuse to hire, or to discharge, any individual or otherwise discriminate against any individual with respect to his compensation, terms, conditions, or privileges of employment because of the individual's age.
2. Limit, segregate, or classify his employees in any way which would deprive or tend to deprive any individual of employment opportunities or otherwise adversely affect his status as an employee because of the individual's age.
3. Reduce the wage rate of any employee in order to comply with the requirements herein.

B. It is unlawful for an employment agency to fail or refuse to refer for employment, or otherwise to discriminate against, any individual because of his age, or to comply with a request to refer for employment any individual on the basis of the individual's age.

C. It is unlawful for a labor organization to engage in any of the following practices:
1. Exclude or expel from its membership, or otherwise to discriminate against any individual because of his age.
2. Limit, segregate, or classify its membership, or to classify or fail or refuse to refer for employment any individual, in any way which would deprive or tend to deprive any individual of employment opportunities, or would limit such employment opportunities or otherwise adversely affect his status as an employee or as an applicant for employment, because of the individual's age.
3. Cause or attempt to cause an employer to discriminate against an individual in violation of the provisions herein.

D. It is unlawful for an employer to discriminate against any of his employees or applicants for employment, for an employment agency to discriminate against any individual, or for a labor organization to discriminate against any member thereof or applicant for membership, because the individual, member, or applicant for membership has opposed any practice made unlawful by this Section, or because such individual, member or applicant for membership has made a charge, testified, or participated in any manner in an investigation, proceeding, or litigation pursuant to the listed herein provisions.

E. It is unlawful for an employer, labor organization, or employment agency to print or publish, or cause to be printed or published, any notice or advertisement relating to employment by such employer or membership in or any classification or any benefits available to or direct such an employment agency indicating any preference, limitation, specification, or discrimination based on age.

F. It is not unlawful for an employer, employment agency, or labor organization to engage in any of the following practices:
1. Take any action otherwise prohibited under Subsection A, B, C, or E to observe the terms of a bona fide seniority system or any bona fide employee benefit plan such as a retirement, pension, or insurance plan, which is not a subterfuge to evade the purpose herein except that no such employee benefit plan shall excuse the failure to hire any individual.
2. Discharge or otherwise discipline an individual for good cause.

Acts 1997, No. 1409

If you believe you have been discriminated against, please contact the Louisiana Commission on Human Rights at 1-888-248-4086 or visit us at www.wo.state.la.us/Programs/LouisianaCommissionHumanRights.htm.
LSA-R.S. 51:2231(c).

Every employer, employment agency and labor organization shall post and keep posted in conspicuous places upon its premises, setting forth information to effectuate this purpose.
R.S. 23:311, 312

Revised April 2010

LOUISIANA WORKFORCE COMMISSION
www.laworks.net

An Equal Opportunity Employer Program. Auxiliary aids and services are available upon request to individuals with disabilities. 1-800-259-5154 (TDD)

Genetic Discrimination

Genetics in the Workplace
Louisiana law forbids genetic discrimination and limits genetic testing in the workforce.

Definitions
"Genetic testing" means to establish specific genetic demonstration and any production. They are as follows:

1. "Genetic monitoring" is the periodic examination of employees to evaluate changes to their genetic material that may have developed in the course of employment due to exposure to toxic substances in the workplace.
2. "Genetic services" are defined as the health services provided to individuals and their families to diagnose, treat, and counsel genetic information if there is a request for, or receipt of, genetic services and the effect of genetic monitoring of toxic substance shall be permitted in the workplace.
3. "Genetic test" means the analysis of human DNA, RNA, chromosomes, proteins, or metabolites, that detects genotypes, mutations, or chromosomal alterations. Genetic testing does not include a test that must be generally accepted in the scientific and medical communities to identify current disease or illness.

4. "Protected genetic information" is information about the genetic tests of an individual, genetic services received by an individual, the manifestation of a disease or disorder in an individual or family members of the individual.

Nondiscrimination
Louisiana law also provides that an employer, labor organization or employment agency shall not discriminate on the basis of protected genetic information, and an employer, labor organization or joint labor management committee controlling apprenticeship, or the job training or other training program shall not discriminate on the basis of protected genetic information.

Exceptions
An employer, labor organization or employment agency may request protected genetic information with an offer of employment, but may not use or request protected genetic information prior to an offer of employment. Genetic testing of employees is prohibited except in limited circumstances.

Employee Rights:
If you are an employee, you are entitled to:
- Unemployment benefits, if unemployed through no fault of your own, due to your refusal to submit to genetic testing.
- Workers' Compensation benefits for on-the-job injuries.

It is a violation of this law for employers to retaliate against anyone who participates in a proceeding under this law, including employees who cast grievances, complaints, or who have a reasonable belief that you are an employee or independent contractor, or you want to file a complaint, call the Louisiana Workforce Commission Fraud Hotline at 1-(800)-201-2362.

Independent Contractors:
If you are an independent contractor, you must pay all taxes required by Louisiana and Federal Law.

Your employer cannot consider you to be an independent contractor unless all three of the tests apply to your work.

IT IS AGAINST THE LAW FOR AN EMPLOYER TO MISCLASSIFY EMPLOYEES AS INDEPENDENT CONTRACTORS OR PAY EMPLOYEES OFF THE BOOKS.

This notice must be posted in a conspicuous place, setting forth information to effectuate this purpose.
R.S. 23:171

September 2012

LOUISIANA WORKFORCE COMMISSION
www.laworks.net

An Equal Opportunity Employer Program. Auxiliary aids and services are available upon request to individuals with disabilities. 1-800-259-5154 (TDD)

Independent Contractor or Employees?

ATTENTION ALL EMPLOYEES, EMPLOYERS, INDEPENDENT CONTRACTORS AND SUBCONTRACTORS

The law says that you are an employee unless:

- You are free from direction and control in performing your job, AND
- You perform work that is not part of the usual work done by the employer that pertains to the business of the Louisiana Market at premises, AND
- You are customarily engaged in an independently established trade, occupation, profession or business.

Your employer cannot consider you to be an independent contractor unless all three of these tests apply to your work.

IT IS AGAINST THE LAW FOR AN EMPLOYER TO MISCLASSIFY EMPLOYEES AS INDEPENDENT CONTRACTORS OR PAY EMPLOYEES OFF THE BOOKS.

Employee Rights:
If you are an employee, you are entitled to:
- Unemployment benefits, if unemployed through no fault of your own, due to your refusal to submit to genetic testing.
- Workers' Compensation benefits for on-the-job injuries.

It is a violation of this law for employers to retaliate against anyone who participates in a proceeding under this law, including employees who cast grievances, complaints, or who have a reasonable belief that you are an employee or independent contractor, or you want to file a complaint, call the Louisiana Workforce Commission Fraud Hotline at 1-(800)-201-2362.

Independent Contractors:
If you are an independent contractor, you must pay all taxes required by Louisiana and Federal Law.

Employer Consequences:
Pursuant to Louisiana Employment Security Law R.S. 23:1771 (E) Penalties for misclassifying a worker as an independent contractor include:
- Fines of up to $500 per worker per instance.
- Imprisonment for up to 90 days.
- Prohibited from contracting with any state agency or political subdivision of the state for three years.

This notice must be posted in a conspicuous place, setting forth information to effectuate this purpose.
R.S. 23:171

LOUISIANA WORKFORCE COMMISSION
www.laworks.net

An Equal Opportunity Employer Program. Auxiliary aids and services are available upon request to individuals with disabilities. 1-800-259-5154 (TDD)

Equal Opportunity for All

Discrimination Has No Place
Equal opportunity is the law. It is against the law for recipients of Federal financial assistance to discriminate on the basis of the following:

1. Against any individual in the United States, on the basis of race, color, religion, sex, national origin, age, disability, political affiliation or belief; and
2. Against any beneficiary of any program financially assisted under Title I of the Workforce Innovation & Opportunity Act (WIOA) on the basis of the beneficiary's citizenship/status as a lawfully admitted immigrant authorized to work in the United States, or on the basis of his/her participation in any Louisiana Workforce Commission (LWC) program or activity.

The recipient must not discriminate in any of the following areas:

1. Deciding who will be admitted or who will have access to any LWC financially assisted program or activity.
2. Providing opportunities in, or treating any person with regard to, such a program or activity.
3. Making employment decisions in the administration of, or in connection with, such a program or activity.

What to Do
If you think that you have been subjected to discrimination under a WIOA Title I financially assisted program or activity, you may file a complaint within 180 days from the date of the alleged violation.

If you elect to file your complaint with the State Equal Opportunity (EO) Officer or with this office, you must wait until the recipient issues a decision or until 90 days have passed, whichever is sooner, before filing with Civil Rights Center (CRC) (see address to the right).

If the state EO Officer or this office has not provided you with a written decision within 90 days of the filing of the complaint, you need not wait for a decision to be issued, but may file a complaint with CRC within 30 days of the expiration of the 90 day period. (In other words, within the 120 days after the day on which you filed your complaint with the recipient.)

If the State EO Officer or this office does give you a Written Notice of Final Action on your complaint, but you are dissatisfied with the decision or resolution of your complaint, you may file a complaint with CRC. Such complaint must be filed within 30 days of the date you received the Written Notice of Final Action.

To file your complaint contact: Director, Office of Opportunity, Diversity, Equity, Compliance Programs, Director Louisiana Workforce Commission
Attention: Marie Willis
1001 North 23rd Street
Baton Rouge, LA 70804-9094
Phone: (225) 342-3315
Fax: (225) 342-3555
TDD: 1-800-259-5154

Or you may file at this office: Director of the Civil Rights Center, U. S. Department of Labor
200 Constitution Avenue NW
Room N-4123
Washington, DC 20210

This notice must be posted in a conspicuous place, setting forth information to effectuate this purpose.
R.S. 23:314

Revised March 2017

LOUISIANA WORKFORCE COMMISSION
www.laworks.net

An Equal Opportunity Employer Program. Auxiliary aids and services are available upon request to individuals with disabilities. 1-800-259-5154 (TDD)

Earned Income Credit

EIC 2018

Notice to Employees of Federal Earned Income Tax Credit (EIC) If you make less

your employer should notify you at the time of hiring of the potential availability of Earned Income Tax Credits or Advance Earned Income Tax Credit. Your employer may be able to make payments to you during the year if you qualify for the eligible if you meet certain requirements. Additional information and forms for these programs can be obtained from your employer or the Internal Revenue Service.

*** Earned Income and adjusted gross income (AGI) must each be less than:**

- $49,194 ($54,884 married filing jointly) with three or more qualifying children
- $45,802 ($51,492 married filing jointly) with two qualifying children
- $40,320 ($46,010 married filing jointly) with one qualifying child
- $15,270 ($20,980 married filing jointly) with no qualifying children

Advance Payments of EITC Eliminated

Effective December 31, 2010, Advanced Federal Earned Income Tax Credit (AEITC) became unavailable.

The Education Jobs and Medicaid Assistance Act of 2010 signed into law August 10, 2010 repealed the Advance EITC. It will not be available to workers after December 31, 2010.

Individuals who received Advance EITC in any prior tax year should have filed a tax return for required Schedule W-2 forms to be sent and get a refund.

Advance EITC rules known as AEITC, allowed certain workers to receive EITC in installments throughout the year. Instead of a lump sum during the tax filing season. Prior to the AEITC, the EITC was available only to those who have had a tax year qualifying child. Those who received EITC were limited to 60 percent of the maximum credit payable for a worker with one qualifying child.

If you need more information regarding the EITC or prior Advanced EITC received, you should contact the IRS at 1-800-829-1040 or visit the IRS website at www.irs.gov. Additional information are also available at the IRS EITC Home page: https://www.irs.gov/Credits-&-Deductions/Individuals/Earned-Income-Tax-Credit/EITC-Income-Limits,-Maximum-Credit-Amounts-and-More.

Visit the IRS on the Web at www.irs.gov or call toll-free at 1-800-829-1040.

Every employer shall keep conspicuously posted in or about the premises wherein any work is done by employees, a printed copy or extract of these labor laws which the commissioner of labor shall furnish, in a form to be furnished by the Executive Director.
R.S. 23:291, 292

Revised July 2018

LOUISIANA WORKFORCE COMMISSION
www.laworks.net

An Equal Opportunity Employer Program. Auxiliary aids and services are available upon request to individuals with disabilities. 1-800-259-5154 (TDD)

Workers' Compensation

Reporting Injury
You should report to your employer any occupational disease or personal injury that is work-related, even if you deem it to be minor.

Occupational Disease or Death
In case of an occupational disease, all claims are barred unless the employee files a claim with his/her employer within one year of the date that:

1. the disease manifests itself;
2. the employee is disabled as a result of the disease;
3. the employee knows or has reasonable grounds to believe that the disease is occupationally related.

In case of death arising from an occupational disease, all claims are barred unless the dependent(s) file a claim with the deceased employee's employer within one year of:

1. the date of death;
2. the date the claimant has reasonable grounds to believe that death resulted from occupational disease.

Filing Notice
In case of injury or death caused by a work-related accident, an injured employee or any person claiming to be entitled to compensation either as a claimant or as a representative of a person claiming to be entitled to compensation, must give notice to the employer within 30 days of the injury. If notice is not given within 30 days, no payments will be made for such injury or death. In addition, any fraudulent action by the employer, employee, or any other person for the purpose of obtaining or defeating any benefit or payment of workers' compensation shall subject such person to criminal as well as civil liabilities.

The above mentioned notice should be filed with the employer at the address shown to the right.

Notice shall be given by delivering it or sending it by certified mail or return receipt requested to:

Employer Representative

Employee

R.S. 23:1032 states that this notice should be posted in a conspicuous place on the employer's place of business.

Revised May 2005

LOUISIANA WORKFORCE COMMISSION
www.laworks.net

An Equal Opportunity Employer Program. Auxiliary aids and services are available upon request to individuals with disabilities. 1-800-259-5154 (TDD)

Out-of-State Motor Vehicles

Duties of employees and employers
A. Any person who is a resident of a state which requires registration of the motor vehicle or motor vehicles of a person who is employed in that state within thirty days of such employment, and who is employed in and maintains a residence in Louisiana and who operates one or more vehicles on the public roads and highways of Louisiana shall apply for a certificate of registration for each of those vehicles within thirty days of the date on which the person was employed in Louisiana.

B. Each employer in this state shall notify each person employed by him that the provisions of Subsection A of this Section. The notice shall be by direct communication at the time of employment and by posting a notice in a prominent location at the place of employment.

C. The provisions of this Section shall not be applicable to members actively serving in the armed forces of the United States.

Acts 1963, No. 195, §1

This notice must be posted in a conspicuous place, setting forth information to effectuate this purpose.
R.S. 23:1633.

Revised January 2016

LOUISIANA WORKFORCE COMMISSION
www.laworks.net

An Equal Opportunity Employer Program. Auxiliary aids and services are available upon request to individuals with disabilities. 1-800-259-5154 (TDD)

Sickle Cell Trait Discrimination

Prohibition of sickle cell trait discrimination; exceptions
A. It is unlawful for an employer to engage in any of the following practices:
1. Fail or refuse to hire, or to discharge, any individual or otherwise discriminate against any individual with respect to his compensation, terms, conditions, or privileges of employment, because such individual has sickle cell trait.
2. Limit, segregate, or classify his employees in any way which would deprive or tend to deprive any individual of employment opportunities, or adversely affect his status as an employee, because such individual has sickle cell trait.
3. Reduce the wage rate of any employee in order to comply with the provisions herein.

B. It is unlawful for an employer to discriminate against any of his employees or applicants for employment, for an employment agency to discriminate against any individual, or for a labor organization to discriminate against any member thereof or applicant for membership because such individual, member or applicant for membership has opposed any practice made unlawful by this Section, or because such individual, member or applicant for membership has made a charge, testified, or participated in any manner in an investigation, proceeding, or litigation under the provisions herein.

E. It is unlawful for an employer, labor organization, or employment agency to print or publish, or cause to be published, any notice or advertisement relating to employment by such employer or membership in or any class