

House Committee on Labor and Industrial Relations

Minutes of Meeting
2021 Regular Session
June 3, 2021

I. CALL TO ORDER

Representative Barbara W. Carpenter, chairman of the House Committee on Labor and Industrial Relations, called the meeting to order at 9:41 a.m. in Room 5, in the state capitol in Baton Rouge, Louisiana.

II. ROLL CALL

MEMBERS PRESENT:

Representative Barbara W. Carpenter, chairman
Representative Beryl A. Amedée
Representative Mack Marcel Cormier
Representative Kenny R. Cox
Representative Raymond J. Crews
Representative Michael Charles Echols
Representative Lawrence "Larry" Frieman
Representative Valarie Hodges, vice chairman
Representative Dodie Horton
Representative Ed Larvadain, III
Representative Robert "Bob" Owen
Representative Tammy T. Phelps
Representative Laurie Schlegel

MEMBERS ABSENT:

None

STAFF MEMBERS PRESENT:

Jurissa McGuire, attorney
Johnna Johnson, committee administrative assistant
Nevonda S. Reed, director
Felicie Jackson, executive assistant

ADDITIONAL ATTENDEES PRESENT:

Mia Ditta, clerk

Faye Talbot, sergeant at arms

III. DISCUSSION OF LEGISLATION**Senate Bill No. 244 by Senator Luneau**

Senator Luneau presented Senate Bill No. 244, which provides for uniform definitions of independent contractor and employee and for penalties for the misclassification of employees.

Erika Zucker, Workplace Justice Project, 540 Broadway Street, New Orleans, LA, 70118, (504) 861-5746, spoke for information only on Senate Bill No. 244 and provided a handout, Exhibit A, which is included in the committee records.

State Representative Neil Riser, District No. 20, P.O. Box 117, Columbia, LA 71418 (318) 649-0977, spoke in support of Senate Bill No. 244.

Jim Patterson, Louisiana Association of Business & Industry, 500 Main Street, Baton Rouge, LA 70802, (225) 928-5388, spoke in support of Senate Bill No. 244.

Representative Frieman offered amendments to Senate Bill No. 244 to:

- (1) Make technical changes.
- (2) Delete the definitions for "non-qualified applicant", "qualified applicant", and "undisclosed liability" from proposed law.
- (3) Delete the reporting requirement for the La. Dept. of Revenue in proposed law.
- (4) Delete the motor carrier exception from proposed law.
- (5) Delete provisions from proposed law that create the criteria for the classification of an independent contractor.
- (6) Delete provisions from proposed law that provide for the misclassification of employees as independent contractors.

Representative Frieman offered a motion to adopt the proposed amendments. Without objection, the amendments were adopted by a vote of 10 yeas and 0 nays. Representatives Carpenter, Amedée, Cox, Crews, Echols, Frieman, Horton, Larvadain, Phelps, and Schlegel voted yea.

Representative Cox offered amendments to Senate Bill No. 244 to:

- (1) Provide that in order to be eligible, a taxpayer shall apply to the Fresh Start Proper Worker Classification Initiative between January 1, 2022 and December 31, 2022.
- (2) Add that the La. Dept. of Revenue shall have the authority to promulgate rules and regulations for the administration of the Fresh Start Proper Worker Classification Initiative.

Representative Cox offered a motion to adopt the proposed amendments. Without objection, the amendments were adopted by a vote of 10 yeas and 0 nays. Representatives Carpenter, Amedée, Cox, Crews, Echols, Frieman, Horton, Larvadain, Phelps, and Schlegel voted yea.

Representative Larvadain offered a motion to report Senate Bill No. 244 with amendments. Without objection, Senate Bill No. 244 was reported with amendments by a vote of 8 yeas and 0 nays. Representatives Carpenter, Cox, Echols, Frieman, Horton, Larvadain, Phelps, and Schlegel voted yea.

Witness cards submitted by individuals who did not speak are as follows: 8 in support and 2 for information only. Witness cards are included in the committee records.

Senate Bill No. 215 by Senator Barrow

Senator Barrow presented Senate Bill No. 215, which provides for reasonable accommodations of employees who become temporarily disabled due to certain pregnancy-related medical conditions.

Amanda Brunson, Governor's Office on Women's Policy, 900 N. 3rd Street, Baton Rouge, LA 70802, (225) 342-6160, spoke in support of Senate Bill No. 215 and provided a handout, Exhibit B, which is included in the committee records.

Representative Cox offered amendments to Senate Bill No. 215 to:

- (1) Make technical changes.
- (2) Provide that the terms defined in proposed law are to be constructed in accordance with certain federal laws.
- (3) Expand the definition of reasonable accommodation.
- (4) Provide that reasonable accommodation may include existing facilities used by employees readily accessible to and usable by individuals with medical needs arising from pregnancy or childbirth.

- (5) Define "applicant or employee with covered limitations".
- (6) Provide that an employer shall provide written notice of the right to be free from discrimination based on medical needs arising from pregnancy, childbirth, or related medical conditions known to the employer.

Representative Cox offered a motion to adopt the proposed amendments. Without objection, the amendments were adopted by a vote of 9 yeas and 0 nays. Representatives Carpenter, Amedée, Cox, Crews, Horton, Larvadain, Robert Owen, Phelps, and Schlegel voted yea.

Representative Cox offered a motion to report Senate Bill No. 215 with amendments. Without objection, Senate Bill No. 215 was reported with amendments by a vote of 10 yeas and 0 nays. Representatives Carpenter, Amedée, Cox, Echols, Hodges, Horton, Larvadain, Robert Owen, Phelps, and Schlegel voted yea.

Witness cards submitted by individuals who did not speak are as follows: 24 in support. Witness cards are included in the committee records.

House Bill No. 189 by Representative Phelps

Representative Phelps presented House Bill No. 189, which prohibits race discrimination based on natural hairstyles.

State Senator Regina Barrow, District No. 15, 4811 Harding Boulevard, Baton Rouge, LA 70811, (225) 359-9400, spoke in support of House Bill No. 189.

Meredith Trahan, Louisiana Workforce Commission (LWC), 1001 N. 23rd Street, Baton Rouge, LA 70802, (225) 342-1599, spoke for information only on House Bill No. 189.

Representative Larvadain offered amendments to House Bill No. 189 to:

- (1) Make technical changes.
- (2) Provide that this Act shall be known and may be cited as the "Louisiana Crown Act".

Representative Larvadain offered a motion to adopt the proposed amendments. Without objection, the amendments were adopted by a vote of 11 yeas and 0 nays. Representatives Carpenter, Amedée, Cox, Crews, Frieman, Hodges, Horton, Larvadain, Robert Owen, Phelps, and Schlegel voted yea.

Representative Cox offered a motion to report House Bill No. 189 with amendments, to which Representative Horton objected. The administrative assistant called the roll, and the motion failed to pass by a vote of 5 yeas and 7 nays. Representatives Carpenter, Cormier, Cox, Larvadain, and

Phelps voted yea. Representatives Amedée, Crews, Echols, Frieman, Horton, Robert Owen, and Schlegel voted nay.

Witness cards submitted by individuals who did not speak are as follows: 16 in support. Witness cards are included in the committee records.

House Bill No. 180 by Representative Goudeau

Representative Goudeau presented House Bill No. 180, which provides relative to unemployment compensation requirements.

Robert Wooley, LWC, 1001 N. 23rd Street, Baton Rouge, LA 70802, (225) 938-4240, spoke for information only on House Bill No. 180.

Ava Dejoie, LWC, 1001 N. 23rd Street, Baton Rouge, LA 70802, (225) 453-7249, spoke for information only on House Bill No. 180.

Representative Frieman offered amendments to House Bill No. 180 in the form of a substitute bill. Representative Frieman offered a motion to adopt the proposed amendments. Without objection, the amendments were adopted by a vote of 11 yeas and 0 nays. Representatives Carpenter, Amedée, Cormier, Cox, Crews, Frieman, Horton, Larvadain, Robert Owen, Phelps, and Schlegel voted yea.

Representative Frieman offered amendments to House Bill No. 180 to change the reporting requirement that the employer shall report to the administrator when a claimant has failed to attend a scheduled employment interview to the employer may report a failure to attend to the administrator. Representative Frieman offered a motion to adopt the proposed amendments. Without objection, the amendments were adopted by a vote of 11 yeas and 0 nays. Representatives Carpenter, Amedée, Cormier, Cox, Crews, Frieman, Horton, Larvadain, Robert Owen, Phelps, and Schlegel voted yea.

Representative Horton offered a motion to report House Bill No. 180 by substitute. Without objection, House Bill No. 180 was reported by substitute by a vote of 10 yeas and 0 nays. Representatives Carpenter, Amedée, Cormier, Crews, Frieman, Horton, Larvadain, Robert Owen, Phelps, and Schlegel voted yea.

Witness cards submitted by individuals who did not speak are as follows: 2 in support and 6 in opposition. Witness cards are included in the committee records.

House Resolution No. 118 by Representative Carpenter

Representative Carpenter presented House Resolution No. 118, which creates a task force to study implementing a paid family and medical leave program in the state.

Dawn McVea, National Federation of Independent Business, 301 Main Street, Baton Rouge, LA 70802, (225) 287-4626, spoke in opposition to House Resolution No. 118.

Representative Carpenter offered amendments to House Resolution No. 118 to add one representative from the March of Dimes-Louisiana chapter. Representative Carpenter offered a motion to adopt the proposed amendments. Without objection, the amendments were adopted by a vote of 10 yeas and 0 nays. Representatives Carpenter, Amedée, Cormier, Cox, Crews, Horton, Larvadain, Robert Owen, Phelps, and Schlegel voted yea.

Representative Amedée offered amendments to House Resolution No. 118 to add one representative from the Louisiana Family Forum. Representative Amedée offered a motion to adopt the proposed amendments. Without objection, the amendments were adopted by a vote of 9 yeas and 0 nays. Representatives Carpenter, Amedée, Cormier, Cox, Horton, Larvadain, Robert Owen, Phelps, and Schlegel voted yea.

Representative Larvadain offered a motion to report House Resolution No. 118 with amendments. Without objection, House Resolution No. 118 was reported with amendments by a vote of 9 yeas and 0 nays. Representatives Carpenter, Amedée, Cormier, Cox, Horton, Larvadain, Robert Owen, Phelps, and Schlegel voted yea.

Witness cards submitted by individuals who did not speak are as follows: 10 in support. Witness cards are included in the committee records.

IV. OTHER BUSINESS

There was no other business.

V. ANNOUNCEMENTS

There were no announcements.

VI. ADJOURNMENT

Representative Cox offered a motion to adjourn. Without objection, the motion passed by a vote of 9 yeas and 0 nays. Representatives Carpenter, Amedée, Cormier, Cox, Horton, Larvadain, Robert Owen, Phelps, and Schlegel voted yea.

The meeting was adjourned at 11:36 a.m.

Respectfully submitted,

Chairman Barbara W. Carpenter
House Committee on Labor and Industrial Relations

Date adopted: 4/7/22