

House Committee on Labor and Industrial Relations

Minutes of Meeting
2024 Regular Session
May 1, 2024

I. CALL TO ORDER

Representative Raymond J. Crews, chair of the House Committee on Labor and Industrial Relations, called the meeting to order at 9:04 a.m. in Room 5, in the state capitol in Baton Rouge, Louisiana.

II. ROLL CALL

MEMBERS PRESENT:

Representative Raymond J. Crews, chair
Representative Dennis Bamburg, Jr.
Representative Tehmi Jahi Chassion
Representative Jason Brian Dewitt
Representative Michael Charles Echols
Representative Brian Leonard Glorioso
Representative Dodie Horton, vice chair
Representative Ed Larvadain, III
Representative Dixon Wallace McMakin
Representative Michael Melerine
Representative Shaun Raphael Mena
Representative Tammy T. Phelps
Representative Phillip Eric Tarver
Representative Joy Walters
Representative Roger William Wilder, III

MEMBERS ABSENT:

None

STAFF MEMBERS PRESENT:

Jurissa McGuire, attorney
Felicie Jackson, executive assistant

ADDITIONAL ATTENDEES PRESENT:

Elizabeth Douglas, sergeant at arms
Nevonda Reed Dobard, division director
Ralph Palmer, sergeant at arms
Danny Leming, assistant sergeant at arms
Angela Mamou, sergeant at arms
Rebecca Marshall, sergeant at arms

III. DISCUSSION OF LEGISLATION

House Bill No. 769 by Representative Riser

Representative Riser presented House Bill No. 769, which creates a civil liability for denial of medical expenses.

Representative Crews offered a technical amendment. Representative Crews offered a motion to adopt the proposed amendments. Without objection, the amendments were adopted by a vote of 8 yeas and 0 nays. Representatives Crews, Bamburg, Dewitt, Glorioso, McMakin, Mena, Tarver, and Walters voted yea.

Paul Benoist, Injured Workers, P.O. Box 937, Vidalia, LA 71373, spoke in support of House Bill No. 769.

Joseph Jolissaint, Injured Workers, 9191 Siegen Ln., #4B, Baton Rouge, LA 70810, spoke in support of House Bill No. 769.

Patrick Robinson, Louisiana Association of Business and Industry (LABI), 500 Main St., Baton Rouge, LA 70801, spoke in opposition to House Bill No. 769.

Representative Larvadain offered a motion to report House Bill No. 769 with amendments, to which Representative Echols objected. The executive assistant called the roll, and the motion failed to pass by a vote of 5 yeas and 8 nays. Representatives Chassion, Larvadain, Mena, Phelps, and Walters voted yea. Representatives Crews, Bamburg, Dewitt, Echols, Glorioso, McMakin, Melerine, and Wilder voted nay.

Representative Glorioso offered a motion to voluntarily defer action on House Bill No. 769. Without objection, action on House Bill No. 769 was voluntarily deferred by a vote of 13 yeas and 0 nays. Representatives Crews, Bamburg, Chassion, Dewitt, Echols, Glorioso, Larvadain, McMakin, Melerine, Mena, Phelps, Walters, and Wilder voted yea.

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

Representative Crews offered a motion to invoke the three-minute rule. Without objection, the motion was adopted by a vote of 13 yeas, and 0 nays. Representatives Crews, Bamburg, Chassion, Dewitt, Echols, Glorioso, Larvadain, McMakin, Melerine, Mena, Phelps, Walters, and Wilder voted yea.

Senate Concurrent Resolution No. 11 by Senator Reese

On behalf of Senator Reese, Representative Echols presented Senate Concurrent Resolution No. 11, which urges the Congress of the United States to amend federal law to allow states to provide for the consolidation of federally funded workforce development services with federally funded social safety net services.

Representative Echols offered a motion to report Senate Concurrent Resolution No. 11 favorably. Without objection, Senate Concurrent Resolution No. 11 was reported favorably by a vote of 13 yeas and 0 nays. Representatives Crews, Bamburg, Chassion, Dewitt, Echols, Glorioso, Larvadain, McMakin, Melerine, Mena, Phelps, Walters, and Wilder voted yea.

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

Representative Echols in the chair.

House Bill No. 712 by Representative Crews

This is a continuation of the discussion on House Bill No. 712 from the meeting held on April 25, 2024. Please check for the prior action to complete the record of discussion and motions on House Bill No. 712.

Representative Crews presented House Bill No. 712, which provides relative to the resignation from labor organizations for teachers and other school employees and the collection of membership dues for political activities.

Representative Crews offered a motion to withdraw amendments adopted from the meeting held on April 25, 2024. Without objection, the amendments were withdrawn by a vote of 13 yeas and 0

nays. Representatives Crews, Bamburg, Chassion, Dewitt, Echols, Glorioso, Larvadain, McMakin, Melerine, Mena, Phelps, Walters, and Wilder voted yea.

Representative Crews offered amendments in the form of a substitute bill. Representative Echols offered a motion to adopt the proposed amendments. Without objection, the amendments were adopted by a vote of 13 yeas and 0 nays. Representatives Crews, Bamburg, Chassion, Dewitt, Echols, Glorioso, Larvadain, McMakin, Melerine, Mena, Phelps, Walters, and Wilder voted yea.

Sarah Harbison, Pelican Institute, 400 Poydras St., Ste. 900, New Orleans, LA 70130, spoke in support of House Bill No. 712.

F. Vincent Veinuccio, Workers for Opportunity, 140 W. Main St., Midland, MI 48640, spoke in support of House Bill No. 712.

Matt Wood, Louisiana American Federation of Labor and Congress of Industrial Organizations (AFL-CIO), 429 Government St., Baton Rouge, LA 70802, spoke in opposition to House Bill No. 712.

Quintle Slaughter, American Federation of State, County and Municipal Employees (AFSCME), 3888 S. Sherwood Forest Blvd., J2, Baton Rouge, LA 70816, spoke in opposition to House Bill No. 712.

Peter Robins-Brown, AFLCIO, 500 Main St., Baton Rouge, LA 70802, spoke in opposition to House Bill No. 712.

Representative Phelps offered an amendment originating in committee to remove section "D" of the previously adopted amendments. Representative Phelps offered a motion to adopt the proposed amendments. Without objection, the amendments were adopted by a vote of 11 yeas and 0 nays. Representatives Bamburg, Chassion, Echols, Glorioso, Larvadain, McMakin, Mena, Phelps, Tarver, Walters, and Wilder voted yea.

Julie Richard-Spencer, AFLCIO and AFSCME, 2540 Severn Ave., Ste. 400, Metairie, LA 70001, spoke in opposition to House Bill No. 712.

Larry J. Carter, Louisiana Federation of Teachers and School Employees, 9623 Brookline Ave., Baton Rouge, LA 70809, spoke in opposition to House Bill No. 712.

Britain Forsyth, Step Up for Action, 2819 Pine St., New Orleans, LA 70125, spoke in opposition to House Bill No. 712.

Ericka Zucker, Workplace Justice Project, Loyola Law Clinic, 540 Broadway St., New Orleans, LA 70118, spoke in opposition to House Bill No. 712.

Lady Carlson, Together Louisiana, 1520 Thomas Delpit Rd., Baton Rouge, LA 70802, spoke in opposition to House Bill No. 712.

Marcos Thomas, Louisiana Association of Educators, 8322 One Calais Ave., Baton Rouge, LA 70809, spoke in opposition to House Bill No. 712.

Representative Echols offered a motion to report House Bill No. 712 by substitute, to which Representative Larvadain objected. The executive assistant called the roll, and House Bill No. 712 was reported by substitute by a vote of 9 yeas and 3 nays. Representatives Crews, Bamburg, Dewitt, Echols, Glorioso, McMakin, Melerine, Tarver, and Wilder voted yea. Representatives Larvadain, Mena, and Phelps voted nay.

Witness cards submitted by individuals who did not speak are as follows: 3 in support and 49 in opposition. Witness cards are included in the committee records.

Representative Crews in the chair.

Senate Bill No. 293 by Senator Edmonds

Senator Edmonds presented Senate Bill No. 293, which provides primary point of contact for workforce solutions.

Susana Schowen, Louisiana Workforce Commission (LWC), 1001 N. 23rd St., Baton Rouge, LA 70802, spoke for information only on Senate Bill No. 293.

Adam Knapp, Committee of 100, 450 Laurel St., Ste. 1900, Baton Rouge, LA 70802, spoke in support of Senate Bill No. 293.

Kim Reed, Board of Regents, 1201 N. 3rd St., Ste. 6-200, Baton Rouge, LA 70802, spoke for information only on Senate Bill No. 293.

Jim Patterson, LABI, 500 Main St., Baton Rouge, LA 70802, spoke in support of Senate Bill No. 293.

Chandler LeBouef, Louisiana Community and Technical College System, 265 S. Foster Dr., Baton Rouge, LA 70806, spoke in support of Senate Bill No. 293.

Representative McMakin offered amendments to clarify that the secretary of La. Workforce Commission shall have the authority to align or realign workforce systems as deemed necessary. Representative McMakin offered a motion to adopt the proposed amendments. Without objection, the amendments were adopted by a vote of 12 yeas and 0 nays. Representatives Crews, Bamburg,

Chassion, Dewitt, Echols, Glorioso, McMakin, Melerine, Mena, Phelps, Walters, and Wilder voted yea.

Representative Chassion offered a motion to report Senate Bill No. 293 with amendments. Without objection, Senate Bill No. 293 was reported with amendments by a vote of 12 yeas and 0 nays. Representatives Crews, Bamburg, Chassion, Dewitt, Echols, Glorioso, McMakin, Melerine, Mena, Phelps, Walters, and Wilder voted yea.

Witness cards submitted by individuals who did not speak are as follows: 10 in support and 1 for information only. Witness cards are included in the committee records.

House Bill No. 703 by Representative Melerine

This is a continuation of the discussion on House Bill No. 703 from the meeting held on April 25, 2024. Please check for the prior action to complete the record of discussion and motions on House Bill No. 703.

Representative Melerine presented House Bill No. 703, which provides relative to controversion of benefits, preliminary determination hearings, disputed claims, and penalties and attorney fees.

Representative Melerine offered amendments to:

- (1) Revise provisions of present law (R.S. 23:1201(F)(1)) and proposed law (R.S. 23:1201(F)(1)) and add a provision regarding requirements of attorney fees awarded under present law (R.S. 23:1201(F)(1));
- (2) Provide an exception for when an employer corrects a failure to provide payment or a failure to consent to an employee's request to select a treating physician;
- (3) Remove language in proposed law that allows sending the notice required in present law (R.S. 23:1201.1) by regular mail;
- (4) Define "reasonably controverted";
- (5) Provide a burden of proof for the party seeking attorney fees; and
- (6) Make technical changes.

Representative Melerine offered a motion to adopt the proposed amendments. Without objection, the amendments were adopted by a vote of 8 yeas and 0 nays. Representatives Crews, Bamburg, Chassion, Larvadain, McMakin, Melerine, Phelps, and Walters voted yea.

Jenni Whitfield, 3100 Division St., Metairie, LA 70002, spoke in opposition to House Bill No. 703.

Robin L. Krumholt, Injured Workers, 6513 Perkins Rd., Baton Rouge, LA 70808, spoke in opposition to House Bill No. 703 and provided a handout, Exhibit A, which is included in the committee records.

Joseph Jolissaint, Injured Workers, 9191 Siegen Ln., #4B, Baton Rouge, LA 70810, spoke in opposition to House Bill No. 703.

Don Caffery, Louisiana Orthopaedic Association, 822 Harding St., Ste. 307, Lafayette, LA 70503, spoke in opposition to House Bill No. 703.

Shannon Dartez, Injured Workers, 206 Traditions Dr., Lafayette, LA 70508, spoke in opposition to House Bill No. 703.

Chad Major, Professional Firefighters Association of Louisiana, 8011 Merle Gustafon Dr., Baton Rouge, LA 70807, spoke in opposition to House Bill No. 703.

Representative Melerine offered a motion to report House Bill No. 703 with amendments, to which Representative Larvadain objected. The executive assistant called the roll, and House Bill No. 703 was reported with amendments by a vote of 10 yeas and 4 nays. Representatives Crews, Bamburg, Dewitt, Echols, Glorioso, Horton, McMakin, Melerine, Tarver, and Wilder voted yea. Representatives Larvadain, Mena, Phelps, and Walters voted nay.

Witness cards submitted by individuals who did not speak are as follows: 16 in support and 17 in opposition. Witness cards are included in the committee records.

House Bill No. 118 by Representative Newell

Representative Newell presented House Bill No. 118, which provides relative to certain pre-dispute arbitration agreements in the workplace.

Representative Glorioso offered a motion to report House Bill No. 118 favorably. Without objection, House Bill No. 118 was reported favorably by a vote of 10 yeas and 0 nays. Representatives Crews, Bamburg, Echols, Glorioso, Larvadain, Mena, Phelps, Tarver, Walters, and Wilder voted yea.

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

House Bill No. 556 by Representative Glorioso

Representative Glorioso presented House Bill No. 556, which provides relative to an injury producing the permanent total disability of an employee.

Representative Crews offered a technical amendment. Representative Crews offered a motion to adopt the proposed amendments. Without objection, the amendments were adopted by a vote of 9 yeas and 0 nays. Representatives Crews, Echols, Glorioso, Larvadain, Mena, Phelps, Tarver, Walters, and Wilder voted yea.

Representative Glorioso offered amendments to:

- (1) Change the calculated percentage of the injured employee's average weekly wage at the time of injury from not exceeding 66 2/3% to not exceeding 100%;
- (2) Clarify that the adjustment in weekly benefits is only for injuries that result in permanent total disability;
- (3) Remove the definition of consumer price index and cost-of-living adjustment from the bill;
- (4) Revise provisions of proposed law regarding the calculation of the percentage of an injured employee's average weekly wage;
- (5) Revise provisions of proposed law regarding the calculation of the adjusted average weekly wage of an injured employee;
- (6) Change the month from August to September for when an injured employee receives an adjustment in their weekly compensation rate; and
- (7) Make technical changes.

Representative Glorioso offered a motion to adopt the proposed amendments. Without objection, the amendments were adopted by a vote of 10 yeas and 0 nays. Representatives Crews, Echols, Glorioso, Larvadain, McMakin, Mena, Phelps, Tarver, Walters, and Wilder voted yea.

Shelley Stephens, Injured Workers, P.O. Box 178, French Settlement, LA 70733, spoke in support of House Bill No. 556.

Shannon Lindsey, Injured Workers, 1680 Old Spanish Trl., Slidell, LA 70458, submitted two handouts, Exhibits B and C, which are included in the committee records.

Representative Crews offered a motion to report House Bill No. 556 with amendments. Without objection, House Bill No. 556 was reported with amendments by a vote of 9 yeas and 0 nays. Representatives Crews, Echols, Glorioso, McMakin, Mena, Phelps, Tarver, Walters, and Wilder voted yea.

Witness cards submitted by individuals who did not speak are as follows: 16 in support and 6 in opposition. Witness cards are included in the committee records.

House Bill No. 523 by Representative Wilder

Representative Wilder presented House Bill No. 523, which provides relative to the election of a collective bargaining representative.

Representative Wilder offered a motion to voluntarily defer action on House Bill No. 523. Without objection, action on House Bill No. 523 was voluntarily deferred by a vote of 9 yeas and 0 nays. Representatives Crews, Echols, Glorioso, McMakin, Mena, Phelps, Tarver, Walters, and Wilder voted yea.

Senate Bill No. 356 by Senator Jackson-Andrews

Senator Jackson-Andrews presented Senate Bill No. 356, which provides for workforce training and education initiative for public assistance recipients.

Representative Walters offered a motion to report Senate Bill No. 356 favorably. Without objection, Senate Bill No. 356 was reported favorably by a vote of 10 yeas and 0 nays. Representatives Crews, Bamburg, Glorioso, Larvadain, McMakin, Mena, Phelps, Tarver, Walters, and Wilder voted yea.

Witness cards submitted by individuals who did not speak are as follows: 3 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 Glorioso offered a motion to adjourn. Without objection, the motion passed by a vote of 10 yeas and 0 nays. Representatives Crews, Bamburg, Glorioso, Larvadain, McMakin, Mena, Phelps, Tarver, Walters, and Wilder voted yea.

The meeting was adjourned at 12:43 p.m.

Respectfully submitted,

Chairman Raymond J. Crews
House Committee on Labor and Industrial Relations

Date adopted: