



Human Resources Legal Fact Sheet: Louisiana

Updated December 2021

Disclaimer: This fact sheet summarizes state laws and regulations on a variety of human resource issues for dairy farms, including wages, paystubs, deductions, child labor, and more. It is not intended to provide legal advice. The fact sheet is simply an overview of select issues with a high-level explanation of key requirements for each one, with links to more information and resources throughout the document. This fact sheet does not include all legal requirements for dairies. It was created in December 2021, and while it will be periodically updated, it may not reflect the current state of the law on every topic covered. Dairies should also review the federal fact sheet because employers—depending on size—may be required to comply with some or all of the applicable federal laws and regulations as well. By using this fact sheet you understand that there is no attorney-client relationship between you and the attorneys who were involved in developing the fact sheet. This fact sheet should not be used as a substitute for competent legal advice from a licensed attorney.

Are there Louisiana state laws for dairy farms about the following?

Hiring

Topic	Answer	Summary
Notice of Payday / Pay Rate ¹	YES	An employer must inform employees at the time of hire what wages they will be paid, the method in which they will be paid and the frequency of payment. An employer must also inform employees of changes to any of the above-listed items prior to making the change. Links to Louisiana labor laws are found online .
Reporting ²	YES	Louisiana employers are required to report all newly hired and rehired employees within 20 days of hire to the Louisiana Directory of New Hires .

Wages

Topic	Answer	Summary
Payday ³	YES/NO	There is no Louisiana law concerning the timeliness of payment to employees in agriculture. Agricultural employers are permitted to establish pay periods and paydays of its choosing. If an employer fails to designate paydays, it must pay employees on the first and sixteenth days of the month or as near as is practicable to those days.
Final Pay ⁴	YES	When an employer discharges, lays off an employee, or an employee quits, or resigns, the employer must pay the employee all wages due by the next regular payday or within 15 days, whichever occurs first. Links to Louisiana labor laws are found online .
Overtime	NO	Louisiana law does not govern overtime, federal rules may apply. Refer to the federal fact sheet.
Minimum Wage	NO	Louisiana law does not govern minimum wage, federal rules may apply. Refer to the federal fact sheet.
Hours Worked	NO	Louisiana does not have minimum wage or overtime laws and, thus, has not adopted a definition of hours worked for purposes of compensation calculations. Please see federal fact sheet.
Reporting Time Pay	NO	Louisiana law does not require employers to pay employees for reporting or showing up to work if no work is performed. Employers are only required to pay employees for hours actually worked.
Pay Stub	NO	Louisiana does not have any laws requiring employers to provide employees at the time of payment any notice of wages paid, wage rates, deductions, or other wage payment information.
Taxes and Withholding ⁵	YES / NO	Agricultural employees are exempt from withholding taxes in Louisiana. Agricultural employers that:



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		<ul style="list-style-type: none"> employed 10 or more individuals for some portion of a day in 20 or more weeks, regardless of whether such weeks were consecutive, in the current or preceding calendar year or paid wages totaling \$20,000 or more during any calendar quarter in either the current or the preceding year <p>must pay unemployment insurance taxes.</p> <p>However, individuals performing services referred to above shall not include individuals performing agricultural labor who are aliens admitted to the United States to perform agricultural labor pursuant to Section 214(c) and Section 101(a)(15)(H) of the Immigration and Nationality Act.</p>
Deductions and Allowances ⁶	YES	<p>Before making any other deductions from an employee's pay, the employer must first obtain the employee's written authorization.</p> <p>An employer may not fine an employee or withhold or deduct fines from an employee's wages, unless:</p> <ul style="list-style-type: none"> the employee willfully or negligently damages goods or works, the employee willfully or negligently damages or breaks the employer's property, or the employee is convicted or pleads guilty to theft of the employer's funds. <p>Other wage deduction rules apply under federal law. Refer to the federal fact sheet.</p>
Bonuses	NO	<p>Louisiana wage law does not explicitly address bonuses. Generally, discretionary bonuses are not considered wages, while nondiscretionary bonuses paid under an agreement are considered wages and protected under wage law.</p> <p>Employers should follow any written policy they have about paying bonuses as a best practice.</p> <p>A nondiscretionary bonus is one where the amount and criteria for getting the bonus are announced in advance. For example, performance goals (like meeting somatic cell count goals) that workers know about in advance. Discretionary bonuses are ones that are not announced in advance, not expected by the employee, and not an incentive for the employee. For example, when the farm reaches a certain financial goal and decides to give all employees a bonus.</p>

Recordkeeping

Topic	Answer	Summary
Payroll ⁷	YES	<p>An employer must keep for at least one year a true and accurate record of:</p> <ul style="list-style-type: none"> the name, address, and occupation of each person employed by him, the daily and weekly hours worked by the employee, and the wages paid each pay period to each employee.
Personnel File – Employee Access	NO	<p>Employees do not have the right to view his or her personnel file unless an employee handbook specifically grants that right.</p>



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Unemployment
Insurance⁸

YES

Each employer shall keep records of and report to the administrator quarterly the street address of each establishment, branch, outlet, or office of such employer, the nature of the operation, the number of persons employed and the wages paid at each establishment, branch, outlet, or office. [More details.](#)

Each employing unit shall establish records with respect to employment performed for it as hereinafter indicated and shall preserve such records, including those now existing for a period of not less than five years after the calendar year in which the remuneration with respect to such services was paid.

1. For each worker:
 - a. name;
 - b. Social Security number;
 - c. place in which his services are performed, or if there is no one such place, then his base of operations;
 - d. date on which he was hired, rehired, or returned to work after temporary lay-off and date separated from work;
 - e. his remuneration paid for employment occurring on or after July 1, 1940, and period from which payable, showing separately:
 - i. cash remuneration, including special payments;
 - ii. reasonable cash value or remuneration in any medium other than cash, including special payments; and
 - iii. special payments, including bonuses, gifts, etc., and the year in which the services for which the payments were made were rendered;
 - f. amounts paid him as allowance or reimbursement for traveling or other business expenses, and period for which payable; and
 - g. if he is paid:
 - i. on a salary basis, his wage rate, and period covered by such rate;
 - ii. on fixed hourly basis, his hourly rate and customary scheduled hours per week;
 - iii. on fixed daily basis, his daily rate and customary scheduled days per week; or
 - iv. on piece rate or other variable pay basis, method by which his wages are computed.
2. General:
 - a) beginning and ending dates of each pay period;
 - b) total amount of remuneration paid in any pay period for employment occurring on or after July 1, 1940.
3. Records shall be maintained in such form that it would be possible from and inspection thereof to determine:
 - a. earnings by weeks of partial unemployment;
 - b. whether any week of partial unemployment claimed by an individual is in fact a week of less than full-time work; and
 - c. time lost, due to unavailability for work by each worker who may be eligible for partial benefits.



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Workers' Compensation ⁹	YES	<p>If an injury leads to death or lost time of over one week, an employer must submit a report (OWCA's First Report of Injury or Illness Form) to the insurer within ten (10) days of learning about the injury. The insurer submits the injury report to Louisiana's Office of Workers' Compensation Administration (OWCA) – which has exclusive and original jurisdiction over workers' compensation disputes.</p> <p>In addition to OSHA logs which are retained for five years (federal requirement), each firm shall maintain other safety records for a period of one year from the end of the year for which the records are maintained (state requirement). These will include inspection reports, accident investigation reports, minutes of safety meetings, training records and the LDET-WC-1071A (Occupational Injury and Illness Quarterly Report Summary) Form. However, agricultural employers are exempt from filing LDET-WC-1071A Forms with the Office of Workers' Compensation.</p>
OSHA	NO	Louisiana is under federal OSHA jurisdiction which covers most private sector workers within the state. Please see federal fact sheet for further information.
Federal	YES	There are numerous federal rules about recordkeeping. Employers should review the federal fact sheet.

Working Conditions

Topic	Answer	Summary
Bathrooms ¹⁰	YES	Louisiana has incorporated the federal Pasteurized Milk Ordinance (PMO). The PMO specifies that dairy farms have one or more toilets that are conveniently located, properly constructed, properly operated, and maintained in a sanitary manner.
Working Hours	NO	Louisiana law does not specify max hour or day requirements for adults.
Rest and Meal Breaks ¹¹	YES / NO	<p>Louisiana labor laws require employers to provide a meal period to employees under the age of eighteen (18) years who are scheduled to work five (5) consecutive hours. The meal period does not need to be paid.</p> <p>Louisiana does not have any laws requiring an employer to provide a meal period or breaks to employees eighteen (18) years of age or older, but federal rules may apply. See federal fact sheet for further information.</p>
Labor Relations ¹²	YES	All persons shall have the right to form, join, and assist labor organizations or to refrain from such activities without fear of penalty or reprisals.
Whistleblower Protection ¹³	YES	<p>Louisiana law protects an employee whistleblower from retaliatory actions when in good faith, the employee advised the employer of some unlawful practice. More specifically, an employer cannot retaliate against an employee who in good faith, and after advising the employer of the violation of law:</p> <ol style="list-style-type: none"> 1. Discloses or threatens to disclose a workplace act or practice that is in violation of state law. 2. Provides information to or testifies before any public body conducting an investigation, hearing, or inquiry into any violation of law. 3. Objects to or refuses to participate in an employment act or practice that is in violation of law.



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Paid Sick and Vacation Leave	NO	Louisiana law does not require paid sick or vacation leave. Employers who choose to provide such benefits must follow their written policy/contract. Accrued or earned vacation must be paid to an employee upon separation from employment if the company policy or employment contract is silent on the matter. <i>See Beard v. Summit Institute of Pulmonary Medicine, 707 So.2d 1233 (La. Sup. Ct. 1998).</i>
Breaks for Nursing Mothers	NO	Louisiana law does not require employers to provide workplace accommodations for employees that are nursing, but federal rules may apply. Employers are encouraged to review federal requirements in the federal fact sheet.
Pregnancy Accommodations and Leave ¹⁴	YES	<p>Louisiana employers who employ 25 or more employees within the State for each working day in 20 or more calendar weeks in the current or preceding calendar year are prohibited from discriminating against a female employee affected by pregnancy, childbirth or related medical conditions in regard to discharge, promotion, and all benefits and privileges of employment, unless based on a bona fide occupational qualification.</p> <p>Pregnancy, childbirth or related medical conditions are to be treated as any other temporary disability. No employer shall be required to provide a female employee disability leave based on a normal pregnancy, childbirth or related medical conditions for more than six weeks.</p> <p>A pregnant employee, upon request, must be allowed to take a leave of absence (without pay) for a reasonable period of time, not exceeding four months, and shall be entitled to use any accrued vacation leave during this period. A reasonable period of time is defined by the statute as that period during which the female employee is disabled because of her pregnancy, childbirth or a related medical condition.</p> <p>Further, an employer must grant a female employee's request for a temporary transfer to a less strenuous or hazardous position for the duration of the pregnancy, if the transfer is recommended by her physician and can be reasonably accommodated. An employer does not have to create a new position or discharge, transfer or promote another employee to accommodate a request for transfer.</p>
Family and Medical Leave	NO	Louisiana does not have a state-level family and medical leave law. Federal law requiring unpaid leave may apply depending on the size of the employer. Refer to federal fact sheet
Military and other Service Leave ¹⁵	YES	<p>All Louisiana employers are required to provide military leave for employees called to active service in the military. An employee may take leave for the period of military service.</p> <p>To be entitled to reemployment, an employee must give an employer advance written or verbal notice of the call to military service (La. R.S. 29:410(A)). However, no notice is required if giving notice is precluded by military necessity or, under all of the relevant circumstances, the giving of notice is otherwise impossible or unreasonable.</p>



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		<p>During military service, an employee continues to accrue leave he would have accrued under an employer's policies if he had remained continuously employed, including:</p> <ul style="list-style-type: none"> • Sick leave. • Annual leave. • Vacation leave. • Military leave. • Holiday pay. • Any other paid leave. <p>An employer must also maintain the employee and his dependents in any life, health, or accident insurance plan as long as the employee pays the premium or contributions amount he or she would have paid as an active employee</p> <p>To return following the end of military service, the employee must also provide verbal or written notice of his intent to return.</p>
Crime Victim and Witness Leave	NO	Louisiana law does not address leave for crime victims or witnesses for private sector employees.
Jury Duty Leave ¹⁶	YES	<p>Employers are prohibited from taking any adverse action against an employee because the employee takes jury duty leave.</p> <p>Additionally, any person who is regularly employed in the state of Louisiana shall, upon call or subpoena to serve on a state petit or grand jury, or central jury pool, be granted a leave of absence by his employer, of up to one day of paid leave, for that period of time required for such jury duty. Such leave of absence shall be granted without loss of wages, or sick, emergency, or personal leave or any other benefit.</p> <p>An employee must give the employer notice of his call to service within a reasonable period of time after receipt of the summons and before his jury appearance.</p>
Voting Leave	NO	Louisiana does not have a law which requires an employer to grant its employees leave, either paid or unpaid, to vote.
School Activity Leave ¹⁷	YES	<p>The Louisiana School and Daycare Conference and Activities Leave Act allows, but does not require, employers to provide an employee up to 16 hours of leave per year to attend, observe, or participate in conferences of classroom activities related to the employee's dependent children at the child's schools or daycare center, if the conferences or activities cannot be scheduled during the non-work hours of the employee. An employer is not required to pay an employee for any time taken as leave.</p> <p>Employees must give reasonable notice of the leave and must make a reasonable effort when scheduling the leave so as not to cause undue disruption of the employer's business.</p>



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<p>Bone Marrow Donation Leave¹⁸</p>	<p>YES</p>	<p>Employers with at least 20 employees who work an average of at least 20 or more hours per week on at least one site owned and operated by the employer must provide eligible employees paid leaves of absence to an employee who seeks to undergo a medical procedure to donate bone marrow. The combined length of the leaves shall be determined by the employee, but may not exceed forty work hours, unless agreed to by the employer.</p> <p>The employer may require verification by a physician of the purpose and length of each leave requested by the employee to donate bone marrow.</p> <p>Eligible employees are those employees who work an average of at least 20 or more hours a week for a covered employer. Independent contractors are not eligible for bone marrow donation leave.</p>
<p>Volunteer Firefighter Leave¹⁹</p>	<p>YES</p>	<p>No certified volunteer firefighter employed by the state of Louisiana shall be denied leave, work-related benefits, or employment for absenting himself from said employment for the purpose of emergency response.</p> <p>An emergency shall be an unexpected occurrence that threatens life or property to which an established volunteer fire department or fire protection district responds while the certified volunteer firefighter is engaged in the normal course of state employment and to which the certified volunteer firefighter employed by the state of Louisiana may timely respond to utilize skills which enhance the preservation of life and property.</p>
<p>First Responder Leave²⁰</p>	<p>YES</p>	<p>An employee who leaves employment in order to perform the duties of a first responder shall be treated as being on temporary leave of absence without pay. An employee exercising such leave must be reinstated in or restored to the same or comparable position of employment upon return to employment. An employee must report to work within 72 hours after his release from duty or recovery from disease or injury resulting from his or her activities.</p> <p>A first responder means a volunteer engaged in activities involving the Governor's Office of Homeland Security and Emergency Preparedness and medical personnel, emergency and medical technicians, volunteer firemen, auxiliary law enforcement officers and members of the Civil Air Patrol.</p>

Human Rights

Topic	Answer	Summary
<p>Employment Discrimination²¹</p>	<p>YES</p>	<p>The Louisiana Employment Discrimination Law (LEDL) prohibits employers from discrimination in hiring, compensation, terms, conditions or privileges of employment, or from limiting, segregating, or classifying employees or applicants based on membership in any protected class.</p> <p>The LEDL prohibits employment discrimination based on the following protected classes:</p> <ul style="list-style-type: none"> • Age (40 and older)



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- Disability
- Sex
- Race
- Color
- National origin
- Religion
- Pregnancy, childbirth, or related medical conditions
- Sickle cell trait
- Genetic testing
- Smokers

The LEDL generally covers employers who employ 20 or more workers within the state for each working day in each of 20 or more calendar weeks in the current or preceding calendar year. The pregnancy discrimination provision, however, applies only to employers with more than 25 employees in Louisiana for each working day in each of 20 or more calendar weeks in the current or preceding calendar year.

Additionally, all employers (regardless of size) may not discriminate against employees for refusing to participate in certain health care services that are objectionable to their consciences (sincerely held religious beliefs or moral convictions). These services are limited to:

- Abortion
- Dispensation of abortion-inducing drugs
- Human embryonic stem cell research
- Human embryo cloning
- Euthanasia
- Physician-assisted suicide

Employers are also prohibited from retaliating against an employee for:

- A single garnishment of earnings
- Engaging in political activity (*employers with 20 or more employees covered by this law)
- Testifying or providing any information in a labor investigation or proceeding
- Discloses or threatens to disclose a workplace act or practice that violates state law.
- Gives information to or testifies before any public body conducting an investigation, hearing, or inquiry into any violation.
- Refuses to participate in an employment action that violates state law.
- In good faith, discloses or threatens to disclose the employer's policy or practice that the employee reasonably believes violates an environmental law, rule, or regulation.
- Provides information to or testifies before a public body conducting an investigation or hearing relating to the violation of an environmental law, rule, or regulation.



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		<ul style="list-style-type: none"> • Opposing any practice that violates the age and sickle-cell trait discrimination provisions of the Louisiana Employment Discrimination Law (LEDL) • Serving jury duty • Filing a workers' compensation claim • Donating bone marrow • Disclosing or threatening to disclose environmental violations
Harassment / Sexual Harassment ²²	YES	<p>Workplace harassment is prohibited by the Louisiana Employment Discrimination Law (LEDL). Although not specifically defined in the LEDL, harassment is generally considered a type of employment discrimination. Harassment is unwelcome conduct. It becomes illegal when (1) employees have no choice but to tolerate the harassment if they want to keep their job; (2) it is so severe that a regular person would see it as intimidating, hostile, or abusive.</p> <p>Sexual harassment includes unwelcome sexual advances, requests for sexual favors and verbal or physical conduct of a sexual nature when:</p> <ul style="list-style-type: none"> • Engaging in such conduct is made an implicit or explicit term or condition of employment. Example: A newly hired milker is told that sexual jokes, touching and nude posters are just part of farm life and she should try to ignore it. • Acceptance or rejection of such conduct is used as the basis for an employment decision affecting an employee. Example: A manager tells a worker applying for a promotion that the job would be his if he just “treated her right.” • The conduct interferes with an employee's work or creates an intimidating, hostile or offensive work environment. Example: One worker experiences repeated advances from another asking her for dates or “just to go out for drinks after work.” The worker says she isn’t interested, but the co-worker won’t take ‘no’ for an answer. <p>It is illegal to retaliate against employees for filing or otherwise aiding with a complaint or opposing a discriminatory practice or assisting in any manner in an investigation, proceeding or hearing.</p> <p>Please see Federal Fact Sheet for further information on harassment/sexual harassment.</p>
Forced Labor ²³		<p>Louisiana law prohibits any person from:</p> <ol style="list-style-type: none"> 1. Knowingly recruiting, harboring, transporting, providing, soliciting, obtaining, or maintaining the use of another person through fraud, force, or coercion to provide labor 2. Knowingly benefiting from forced labor 3. Knowingly facilitating any of these activities, including but not limited to, helping, aiding, abetting, or conspiring, regardless of whether a thing of value is promised to or received by the person



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Child Labor

Topic	Answer	Summary
Child Labor ²⁴	YES / NO	Louisiana child labor law does not apply to minors in agriculture, so federal rules apply. Employers should review the federal fact sheet.

Health and Safety

Topic	Answer	Summary
Workers Compensation ²⁵	YES	<p>Under the Louisiana Workers' Compensation Act (LWCA), all covered employers must carry workers' compensation insurance and provide employees with medical expenses and disability benefits for diseases and accidental injuries arising out of and in the course and scope of employment.</p> <p>However, the LWCA does not apply to employees who work in connection with soil cultivation or raising or harvesting agricultural commodities on private, unincorporated farms, if the employee's annual net earnings amount to \$1,000 or less and the total net earnings of all employees on the farm do not exceed \$2,500.</p> <p>Employers can obtain workers' compensation coverage by:</p> <ul style="list-style-type: none"> • Obtaining insurance from any authorized insurance company licensed to issue workers' compensation policies in Louisiana. • Entering into an agreement with a group self-insurance fund consisting of five or more Louisiana employers, all of whom must: <ul style="list-style-type: none"> • have a positive net worth; • be financially solvent; • be a member of the same trade or professional association; and • agree to pool and assume liabilities for the payment of compensation to employees of the fund. • Entering into an agreement with an interlocal risk management agency. • Using any combination of life, accident, health, property, or other insurance policies offered by a stock corporation, mutual association, or certain other insurers authorized to transact workers' compensation in Louisiana. • Furnishing the Office of Workers' Compensation with satisfactory proof of the employer's financial ability to pay compensation. <p>An employee or a person acting on behalf of the employee claiming workers' compensation benefits must provide the employer with notice of the injury within 30 days after the date of injury or death. The notice must:</p> <ul style="list-style-type: none"> • Be in writing. • Contain the employee's name and address. • State in ordinary language the time, place, nature, and cause of the injury. • Be signed by the person giving or making the notice. <p>Employers must post a sign informing their employees of this 30-day notice requirement in a convenient and conspicuous point in the place of business. If an</p>



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		employer fails to post the sign, his employees are given 12 months from the date of injury to provide notice.
OSHA	YES	Louisiana is under federal OSHA jurisdiction which covers most private sector workers within the state. Please see federal fact sheet.
Housing	YES / NO	Louisiana law does not explicitly address standards for farm-provided permanent agricultural housing, though general landlord/tenant or public health laws may apply. Employers should follow best practices when providing housing – which includes, at minimum, a written housing agreement and properly maintaining the facilities. The FARM HR Manual has guidance around best practices for agricultural worker housing. Furthermore, employers should follow OSHA’s sanitation regulations, 29 C.F.R. §§ 1910.141 et seq., and temporary labor camp regulations, 29 C.F.R. § 1910.142 et seq.

¹ La. Rev. Stat. Ann. § 23:633

² La. Rev. Stat. Ann. § 46:236.14

³ La. Rev. Stat. Ann. § 23:633

⁴ La. Rev. Stat. Ann. § 23:631

⁵ La. Rev. Stat. Ann. § 47:111(A)(1); La. Rev. Stat. Ann. § 23:1472(2).

⁶ La. Rev. Stat. Ann. § 23:635; LA Rev. Stat. Sec. 23:731

⁷ La. Rev. Stat. Ann. § 23:14

⁸ La. Rev. Stat. Ann. § 23:1660; La. Admin Code tit. 40, Part IV § 313.

⁹ La. Rev. Stat. Ann. § 23:1020.1; La. Rev. Stat. Ann. § 23:1035(B)(1); La. Rev. Stat. Ann. § 23:1306; La. Rev. Stat. Ann. §§ 23:1301 et seq.; La. Admin. Code. tit. 40, § 907(A)(1)(h); La. Admin Code tit. 40, Part I § 105(A)(5)(b)

¹⁰ La. Admin. Code. tit, 51, Part. VII, § 101

¹¹ La. Rev. Stat. Ann. § 23: 213.

¹² La. Rev. Stat. Ann. § 23:981 et seq.

¹³ La. Rev. Stat. Ann. §§ 23:967; 30:2027

¹⁴ La. Rev. Stat. Ann. § 23:341, 342.

¹⁵ La. Rev. Stat. Ann. § 29:401 et seq.

¹⁶ La. Rev. Stat. Ann. § 23:965

¹⁷ La. Rev. Stat. Ann. §§ 23:1015.2 et seq.

¹⁸ La. Rev. Stat. Ann. § 40:1299.124

¹⁹ La. Rev. Stat. Ann. § 23:893

²⁰ La. Rev. Stat. Ann §§ 23:1017.1 et seq.

²¹ La. Rev. Stat. Ann. §§ 23.301 et seq.; La. Rev. Stat. Ann. § 40:1061.20(B)(2); La. Rev. Stat. Ann. § 23:731(C); La. Rev. Stat. Ann. § 23:964; La. Rev. Stat. Ann. § 23:967; La. Rev. Stat. Ann. § 30:2027; La. Rev. Stat. Ann. § 23:966 et seq.; La. Rev. Stat. Ann. § 30:2027

²² La. Rev. Stat. Ann. § 23:332

²³ La. Rev. Stat. Ann. § 14:46.2

²⁴ La. Rev. Stat. Ann. § 23:151

²⁵ La. Rev. Stat. Ann. § 23:1168; La. Rev. Stat. Ann. § 23:1195; La. Rev. Stat. Ann. § 23:1020.1; La. Rev. Stat. Ann. § 23:1035(B)(1); La. Rev. Stat. Ann. § 23:1306