

(1) What is the Applicable Law Governing Payment of Wages?

Overview

The federal law governing the payment of overtime and minimum wages is called the Fair Labor Standards Act ("FLSA"). Generally, the FLSA requires an employer to pay an employee "time and a half," or overtime compensation for each "hour worked" in excess of 40 hours in a work week, unless that employee is identified as "exempt" from the law. For example, if the employee make \$8 per hour, he/she should get \$12 per hour for every hour worked over forty (40) per work week. Additionally, the FLSA requires that employers pay their employees the current federal minimum wage of \$5.15 per hour worked. Employers typically violate the minimum wage law by refusing to provide employees with their final paycheck. The FLSA provides that if an employee can establish a violation of the overtime or the overtime or minimum wage laws, he/she can recover attorneys' fees and costs. In certain circumstances, the employee also may be entitled to recover double or "liquidated" damages. Louisiana state law also provides for the recovery of unpaid wages .

Louisiana law also provides a remedy when terminated employees are not paid all the wages due to them. The law imposes strict deadlines on when these wages must be paid. If they are not paid as required, penalties and attorney fees on imposed on the employer.