

IF YOU ARE SERVED WITH LEGAL PAPERS YOU SHOULD:

- Note any filing deadlines or hearing dates set by the court;
- Realize that you have a limited time in which to file an answer or take action;
- Contact an attorney;
- Immediately tell the attorney or receptionist that you have been served with legal papers and there is a court date coming up.

FAMILY MEDICAL LEAVE ACT

If you work for a public agency or a company employing 50 or more people, you may be entitled to have your job protected for up to 12 workweeks of unpaid leave. These are the covered reasons why you might qualify for this leave:

- birth and care of your newborn;
- placement with you of an adopted or foster child;
- caring for your spouse, child, or parent who has a serious health condition;

GETTING LEGAL HELP

If you feel you cannot afford an attorney, free legal assistance may be available by visiting our website at: www.la-law.org for more information or by contacting your nearest office by phone.

Shreveport

720 Travis St.
Shreveport, LA 71101
(800) 826-9265

Natchitoches

134 St. Denis St.
Natchitoches, LA
71457

Lake Charles

2911 Ryan St.
Lake Charles, LA 70601
(877) 256-0639

Alexandria

1808 Jackson St.
Alexandria, LA 71301
(800) 256-4343

Lafayette

1020 Surrey St.
Lafayette, LA 70501
(800) 256-1175

Monroe

7016 Cameron St.
Monroe, LA 71201
(800) 259-6591

This brochure, prepared by Acadiana Legal Service Corporation, is issued to inform and provide general information, not to advise. If you have a specific legal problem you should not try to apply or interpret the law without the aid of a trained expert who knows the facts because the facts may change the application of the law.

Funding for the publication of this brochure was provided by:



What You Should Know About Employment Law



Employment at Will

Generally, in Louisiana your employer may fire you for no reason, or for any reason. This is what is known as “employment at will”. But there are exceptions. These are the most common:

- if you have an employment contract;
- if you are covered by a union’s collective bargaining agreement;
- if you are a civil service employee;
- if you filed a workmen’s compensation claim;
- if you are a whistle-blower under one of many statutes;
- if your employer is discriminating against you because you belong to a protected class of persons.

Classes Protected from Discrimination

It is illegal for an employer to take adverse action against you based on these characteristics:

- Race;
- Color;
- Religion or Creed;
- Sex (including orientation and gender identity);
- National Origin;
- Age (if you are 40 or older);
- Disability;
- Genetic Information.

This protection extends to most employment decisions, including: hiring; firing; compensation; working conditions; privileges and accommodations.

Federal Laws

These protections arise under one or more of these federal statutes:

- Title VII of the Civil Rights Act;
- Equal Pay Act;
- Age Discrimination in Employment Act
- Rehabilitation Act, Section 501;
- Civil Rights Act of 1991

Remedies for Violations

The person making the complaint has to prove the claim. If you prove that you are a member of one of these protected classes and that your employer discriminated against you based on one of prohibited bases, a court may award you:

- Money damages;
- Back pay;
- Restoration of your job;
- The employment benefits you lost;
- Your attorney’s fees;
- The costs of the court proceedings.

Unemployment Compensation

Even if you were discharged for a legal reason, you may still be entitled to collect unemployment compensation. There are two parts to qualifying for this benefit. First, you must have worked enough time in covered employment. Second, you must not have been separated from your employment for a disqualifying reason. You will be disqualified if you were fired for misconduct or if you quit without a major change in your employment, caused by your employer.

Wages

Since 2009, the federal minimum wage has been \$7.25/hour and workers are entitled to time and a half pay for work beyond 40 hours in a week.

In Louisiana, a worker is entitled to be paid within 15 days or the next regular payday, at the usual place of payment, or by mail. Workers who aren’t paid on time can make a written demand to the employer, who then has to send any undisputed part of the pay to the worker.

Employers who fail to follow these rules may have to pay the employee their full wages for or up to 90 days or until the worker is paid, whichever comes first.

Information to Keep

From the beginning of their employment, workers should keep all of the following information, to give them the best chance if there is a dispute over the employment:

- Name, address & phone of employer;
- Name, address & phone of witnesses;
- Dates of employment & termination;
- Reason for termination;
- Rates of pay & benefits;
- Copies of contracts, handbooks & benefits packages;
- Copies of any disciplinary actions & correspondence.