

H.R. ALERT*

OCTOBER 2003

The 2003 Regular Session of the Louisiana Legislature produced some important developments for employers. In our August and September H.R. Alerts, we discussed some of the legislation that benefits employers. In this month's *H.R. Alert*, we examine other key legislation that benefits employees. All Louisiana employers should take note of the following:

Employment of Minors

The Louisiana Legislature passed an amendment to laws governing the employment of minors which provides that minors who have not graduated from high school cannot work after 10:00 p.m. on any day prior to a day during which school is in session or after midnight on any day prior to a day during which school is not in session. In addition, minors under 16 years of age who have not graduated from high school cannot work before 7:00 a.m. on any day, nor can they work after 7:00 p.m. on any day prior to a day during which school is in session or after 9:00 p.m. on any day prior to a day during which school is not in session. Finally, minors under age 16 who have not graduated from

high school cannot work more than 40 hours in any one week. The preceding amendments were introduced in House Bill No. 1643 and signed into law by Governor Foster as Act No. 671.

Employer Practice Tip: Many employers forget that they must procure and keep on file an employment certificate for each minor they employ (except for those minors employed in approved federally funded youth training programs). These employment certificates must be accessible on the job site, or in the immediate area of the work locations.

Employee's Consent Required to Release Wage Records in Workers' Compensation Claim

The Louisiana Legislature amended the workers' compensation laws to require a signature evidencing the employee's consent to the release of his or her wage records and information in connection with a claim for workers' compensation benefits. In addition, whenever either the employer or the insurer requests an employee's wage records and information in connection with a workers' compensation claim, they must attach the form containing the employee's consent to release in accordance with R.S. 23:1208(G). The preceding amendments were introduced in House Bill No. 1097 and signed into law by Governor Foster as Act No. 702.

Employer Practice Tip: The consent form required by R.S. 23:1208(G) must specifically inform the employee of the following: (1) that the employee's employment history and wage information will be released and may be used by the employer or insurer in connection with the employee's workers' compensation claim and provided by the employer or insurer to vocational rehabilitation consultants selected by, or counsel or experts retained by, the employer or insurer in connection with any claim for benefits made by the employee and, may be used in any proceedings in a court of law or before the office of workers' compensation administration and, (2) that the release is only for use in connection with the employee's workers' compensation claim.

* H.R. ALERT is intended to provide late-breaking news in the employment arena.

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Employers are Subject to Penalty for Not Approving Employee's Request for Doctor in Worker's Compensation Claim

The Louisiana Legislature amended the worker's compensation laws to provide that if an employer or insurer discontinues payment of a claim and the discontinuance is arbitrary, capricious or without probable cause, the employer or insurer shall be subject

to a penalty of up to \$8,000.00, together with paying a reasonable attorney fee for the prosecution and collection of such claims. The amendment was introduced in Senate Bill No. 819 and signed into law by Governor Foster as Act No. 1204.

Employer Practice Tip: Employers and insurers can also be penalized under certain circumstances for failing to consent to an employee's request to select a treating physician or to change physicians.

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MARK YOUR CALENDARS

New Orleans Employment Law Seminar
"Being a Prudent Employer in the 21st
Century: Managing the Risks at Each
State of the Employment Process"

Thursday, November 13, 2003
Wyndham Canal Place

Our guest speaker will be Barbara Hicks, the District
Director of the United States
District Department of Labor.

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