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## Civil Code and Related Legislation: Civil Code Ancillaries

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## CIVIL CODE ANCILLARIES

*J. Denson Smith\**

By act 511, Revised Statutes 9:3101 was amended so as to adopt a somewhat broader and certainly more scientific definition of accounts receivable which are subject to the statutory provisions.

## LABOR AND WORKMEN'S COMPENSATION

The effect of act 422, amending R.S. 23:632, is to limit the recovery of an employee<sup>1</sup> not paid within twenty-four hours of his discharge or resignation to his full wages from time of demand until payment or tender subject to a maximum of ninety days' wages at his daily rate of pay. Under prior law there was no maximum. Thus, the amendment appears to permit an employer to contest the employee's claim without being exposed to the payment, by way of penalty, of more than ninety days' wages to the employee in the event judgment is rendered in favor of the latter.

In dealing with the recovery of attorneys' fees, the act also substituted the words "well founded suit" for the words "just suit" which formerly appeared in the statutory provision. Apparently the change was designed to overrule, as far as the recovery of attorneys' fees is concerned, jurisprudence of the Supreme Court holding that the statutory "penalties" are not recoverable if it appears that the employer had a just reason for failing to pay the full wages claimed.<sup>2</sup> Now if the employee recovers "any unpaid wages whatsoever," reasonable attorneys' fees "shall be taxed as costs to be paid by the employer." Presumably, however, the mentioned jurisprudence remains unaffected as far as the recovery of penalty wages is concerned.

Agreements of non-competition on the part of employees are rendered null by R.S. 23:921 except when the employer incurs expense in the training of the employee or in the advertisement of the business of the employer, in which event the employee may voluntarily bind himself not to enter into the

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1. The section formerly read, "laborer or other employee."

2. See *Mitchell v. First Nat'l Life Ins. Co.*, 236 La. 696, 109 So.2d 61 (1959).

same business, over the same route or in the same territory, for a period of two years. Act 252 repealed R.S. 40:1270, which imposed similar restrictions affecting specifically licensed pest control operators and their employees. Henceforth the general provision of R.S. 23:921 will therefore apply.