

HOUSE BILL No. 4492

April 21, 2015, Introduced by Reps. Durhal, Sarah Roberts, Derek Miller, Liberati, Darany, Faris, Chang, Pagan, Smiley, Greig, Hovey-Wright, Gay-Dagnogo, Banks, Love, Geiss, Moss, Irwin, Cochran, Townsend, Zemke, Hoadley, Brunner, Brinks, Dillon, LaVoy, Garrett, Wittenberg, Guerra, Driskell and Singh and referred to the Committee on Commerce and Trade.

A bill to amend 2014 PA 138, entitled
"Workforce opportunity wage act,"
by amending section 9 (MCL 408.419).

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 9. (1) If an employer violates this act, the employee
2 affected by the violation, at any time within 3 years, may do any
3 of the following:

4 (a) Bring a civil action for the recovery of the difference
5 between the amount paid and the amount that, but for the violation,
6 would have been paid the employee under this act and an equal
7 additional amount as liquidated damages together with costs and
8 reasonable attorney fees as are allowed by the court.

9 (b) File a claim with the commissioner who shall investigate
10 the claim.

11 (2) If the commissioner determines there is reasonable cause

1 to believe that the employer has violated this act and the
2 commissioner is subsequently unable to obtain voluntary compliance
3 by the employer within a reasonable period of time, the
4 commissioner shall bring a civil action under subsection (1)(a).
5 The commissioner may investigate and ~~file~~**BRING** a civil action
6 under subsection (1)(a) on behalf of all employees of that employer
7 who are similarly situated at the same work site and who have not
8 brought a civil action under subsection (1)(a). A contract or
9 agreement between the employer and the employee or any acceptance
10 of a lesser wage by the employee is not a bar to the action.

11 (3) In addition to bearing liability for civil remedies
12 described in this section, an employer who fails to pay the minimum
13 hourly wage in violation of this act, or who violates a provision
14 of section 4a governing an employee's compensatory time, is subject
15 to a civil fine of not more than \$1,000.00.

16 (4) **AN EMPLOYER WHO VIOLATES SECTION 13 MAY BE SUBJECT TO AN**
17 **ACTION TO ENFORCE RIGHTS AND REMEDIES UNDER THE ELLIOTT-LARSEN**
18 **CIVIL RIGHTS ACT, 1976 PA 453, MCL 37.2101 TO 37.2804, IN ADDITION**
19 **TO ANY OTHER LIABILITY FOR CIVIL REMEDIES AND FINES UNDER THIS**
20 **SECTION.**