

HOUSE BILL No. 5328

December 6, 2017, Introduced by Reps. Green, Elder, Sabo, Durhal, Brinks, Greimel, Faris, Singh, Sowerby, Love, Hertel, Lasinski, Geiss, Wittenberg, Zemke, Schor, Rabhi, Pagan, Chirkun, Phelps, Cochran, Yancey and Chang and referred to the Committee on Commerce and Trade.

A bill to amend 1978 PA 390, entitled

"An act to regulate the time and manner of payment of wages and fringe benefits to employees; to prescribe rights and responsibilities of employers and employees, and the powers and duties of the department of labor; to require keeping of records; to provide for settlement of disputes regarding wages and fringe benefits; to prohibit certain practices by employers; to prescribe penalties and remedies; and to repeal certain acts and parts of acts,"

by amending section 18 (MCL 408.488).

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 18. (1) The department shall order an employer who
2 violates section 2, 3, 4, 5, 6, 7, or 8 to pay the following:

3 (a) Wages due to the employee.

4 (b) Fringe benefits due to or on the behalf of the employee in
5 ~~accordance with the terms set forth in~~ **PURSUANT TO** the written

1 contract or written policy.

2 (c) A penalty at the rate of ~~10%~~**100%** annually on the wages
3 and fringe benefits due **TO THE EMPLOYEE**, beginning at the time the
4 employer is notified that a complaint has been filed and ending
5 when payment is made.

6 (2) The department may order an employer who violates section
7 2, 3, 4, 5, 6, 7, or 8 to pay to the employee exemplary damages of
8 not more than ~~twice~~**3 TIMES** the amount of the wages and fringe
9 benefits ~~which~~**THAT** were due **TO THE EMPLOYEE**, if the violation is
10 flagrant or repeated.

11 (3) The department may order an employer who violates section
12 2, 3, 4, 5, 6, 7, or 8 to pay attorney costs, hearing costs, and
13 transcript costs.

14 (4) The department may assess a civil ~~penalty~~**FINE** of not more
15 than ~~\$1,000.00~~**\$10,000.00** against an employer who violates this
16 act. ~~, which~~**THE** civil ~~penalty shall~~**FINE MUST** be credited to the
17 general fund of this state.

18 Enacting section 1. This amendatory act takes effect 90 days
19 after the date it is enacted into law.