

HOUSE BILL NO. 4320

April 16, 2025, Introduced by Reps. Breen, McKinney, Weiss, Byrnes, Xiong, Rheingans, McFall, Wegela, B. Carter, Tsernoglou, Hoskins, Conlin, O'Neal, Longjohn, Price, MacDonell and Andrews and referred to Committee on Economic Competitiveness.

A bill to amend 2018 PA 337, entitled
"Improved workforce opportunity wage act,"
by amending section 9 (MCL 408.939), as amended by 2025 PA 1.

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~~**not later than** 3
3 years **after the violation**, may do any 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,

1 would have been paid the employee under this act and an equal
 2 additional amount as liquidated damages together with costs and
 3 reasonable attorney fees as are allowed by the court.

4 (b) File a claim with the director. ~~who~~ **The director or the**
 5 **director's designee** shall investigate the claim.

6 (2) If the director **or the director's designee** determines
 7 there is reasonable cause to believe that the employer has violated
 8 this act and ~~the director~~ is subsequently unable to obtain

9 voluntary compliance by the employer within a reasonable period of
 10 time, the director shall bring a civil action under subsection

11 (1)(a). The director **or the director's designee** may investigate and
 12 **the director may** file a civil action under subsection (1)(a) on
 13 behalf of all employees of that employer who are similarly situated
 14 at the same work site and who have not brought a civil action under
 15 subsection (1)(a). A contract or agreement between the employer and
 16 the employee or any acceptance of a lesser wage by the employee is
 17 not a bar to the action.

18 (3) Except as otherwise provided in subsection (4), in
 19 addition to bearing liability for civil remedies described in this
 20 section, an employer ~~who~~ **that** fails to pay the minimum hourly wage
 21 in violation of this act, or that violates a provision of section
 22 4a governing an employee's compensatory time, is subject to a civil
 23 fine of not more than \$1,000.00.

24 (4) An employer that fails to pay the minimum hourly wage to
 25 an employee as described in section ~~4d(1)~~ **4d** is subject to a civil
 26 fine of not more than \$2,500.00.

27 (5) **If requested by an employee who files a claim against an**
 28 **employer under this section, the director or the director's**
 29 **designee shall, to the extent allowed by law, not disclose to the**

1 employer the identity of the employee.