

WORKFORCE OPPORTUNITY WAGE ACT (EXCERPT)
Act 138 of 2014

408.419 Violation of act by employer; civil action; fine.

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

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

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

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

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

History: 2014, Act 138, Imd. Eff. May 27, 2014.

Compiler's note: For transfer of powers and duties of wage deviation board as provided in workforce opportunity wage act, 2014 PA 138, MCL 408.411 to 408.424, to the director of department of licensing and regulatory affairs, and abolishment of the wage deviation board, see E.R.O. No. 2016-3, compiled at MCL 408.431.