

HOUSE BILL NO. 4395

April 12, 2023, Introduced by Reps. Breen, Hood, Farhat, Brabec, Morse, Price, Weiss, Brenda Carter, Tsernoglou, Hope, Andrews, Haadsma and Scott and referred to the Committee on Labor.

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

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 commissioner. ~~who~~**The commissioner**
5 **or the commissioner's designee** shall investigate the claim.

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

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

23 (4) **If requested by an employee who files a claim under this**
24 **section, the commissioner or the commissioner's designee shall, to**
25 **the extent allowed by law, not disclose to an employer the identity**
26 **of the employee.**