

HOUSE BILL No. 4519

March 17, 2005, Introduced by Reps. Gleason, Miller, Donigan, Wojno, Lipsey, Anderson, Plakas, Kathleen Law, Zelenko, Farrah, Brown, Byrum, Tobocman, Clack, Hunter, Leland, Kolb, Gonzales, Vagnozzi, Accavitti, Kehrl, Williams, Mayes, Cushingberry, Hood, Lemmons, III and Cheeks and referred to the Committee on Employment Relations, Training, and Safety.

A bill to amend 1964 PA 154, entitled
"Minimum wage law of 1964,"
by amending section 13 (MCL 408.393), as amended by 1997 PA 1.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 13. (1) If any employer violates this act, the employee
2 affected by the violation, at any time within 3 years, may:

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

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

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

13 (3) In addition to bearing liability for civil remedies
14 described in this section, ~~an employer who fails to pay the~~
15 ~~minimum hourly wage in violation of this act, or~~ **THE FOLLOWING**
16 **CIVIL FINES APPLY:**

17 **(A) AN EMPLOYER** who violates a provision of section 4a
18 governing an employee's compensatory time ~~—~~ is ~~subject to~~
19 **RESPONSIBLE FOR** a civil fine of not more than \$1,000.00.

20 **(B) AN EMPLOYER WHO FAILS TO PAY THE MINIMUM HOURLY WAGE IN**
21 **VIOLATION OF THIS ACT IS RESPONSIBLE FOR A CIVIL FINE OF NOT MORE**
22 **THAN \$1,000.00 FOR EACH WEEK IN WHICH THE VIOLATION OCCURS.**