

# SENATE BILL No. 322

March 17, 2005, Introduced by Senators EMERSON, SCHAUER, BRATER, PRUSI, CLARK-COLEMAN, CLARKE, BASHAM, OLSHOVE, JACOBS, LELAND, BERNERO, BARCIA, CHERRY, SWITALSKI, THOMAS and SCOTT and referred to the Committee on Commerce and Labor.

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.**