

IMPROVED WORKFORCE OPPORTUNITY WAGE ACT (EXCERPT)
Act 337 of 2018

408.939 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 director who shall investigate the claim.

(2) If the director determines there is reasonable cause to believe that the employer has violated this act and the director is subsequently unable to obtain voluntary compliance by the employer within a reasonable period of time, the director shall bring a civil action under subsection (1)(a). The director 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) Except as otherwise provided in subsection (4), 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 that 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.

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

History: 2018, Act 337, Eff. Mar. 29, 2019 ;-- Am. 2025, Act 1, Imd. Eff. Feb. 21, 2025

Compiler's Notes: Public Act 337 was proposed by initiative petition pursuant to Const. 1963, art 2, section 9. On September 5, 2018, the initiative petition was approved by an affirmative vote of the majority of the members of the Senate and an affirmative vote of the majority of the members of the House of Representatives, and filed with the Secretary of State on September 5, 2018. For the transfer of powers and duties of the department of licensing and regulatory affairs and the powers and duties of the director of the department of licensing and regulatory affairs to the department of labor and economic opportunity, see E.R.O. No. 2019-3, compiled at MCL 125.1998.