

HOUSE BILL NO. 4623

May 21, 2019, Introduced by Reps. Garza, Manoogian, Shannon, Coleman, Chirkun, Haadsma, Pagan, Ellison, Kuppa, Rabhi, Brenda Carter, Sowerby, Cherry, Tyrone Carter, Cynthia Johnson, Kennedy, Lasinski and Hood and referred to the Committee on Commerce and Tourism.

A bill to amend 1978 PA 390, entitled

"An act to regulate the time and manner of payment of wages and fringe benefits to employees; to prescribe rights and responsibilities of employers and employees, and the powers and duties of the department of labor; to require keeping of records; to provide for settlement of disputes regarding wages and fringe benefits; to prohibit certain practices by employers; to prescribe penalties and remedies; and to repeal certain acts and parts of acts,"

by amending section 18 (MCL 408.488).

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 18. (1) The department shall order an employer who



1 violates section 2, 3, 4, 5, 6, 7, or 8 to pay the following:

2 (a) Wages due to the employee.

3 (b) Fringe benefits due to or on the behalf of the employee ~~in~~
4 ~~accordance with the terms set forth in~~ **pursuant to** the written
5 contract or written policy.

6 (c) A penalty at the rate of ~~10%~~ **100%** annually on the wages
7 and fringe benefits due **to the employee**, beginning at the time the
8 employer is notified that a complaint has been filed and ending
9 when payment is made.

10 (2) The department may order an employer who violates section
11 2, 3, 4, 5, 6, 7, or 8 to pay to the employee exemplary damages of
12 not more than ~~twice~~ **3 times** the amount of the wages and fringe
13 benefits ~~which~~ **that** were due **to the employee**, if the violation is
14 flagrant or repeated.

15 (3) The department may order an employer who violates section
16 2, 3, 4, 5, 6, 7, or 8 to pay attorney costs, hearing costs, and
17 transcript costs.

18 (4) The department may assess a civil ~~penalty~~ **fine** of not more
19 than ~~\$1,000.00~~ **\$10,000.00** against an employer who violates this
20 act. ~~, which~~ **The** civil ~~penalty shall~~ **fine must** be credited to the
21 general fund of this state.

22 Enacting section 1. This amendatory act takes effect 90 days
23 after the date it is enacted into law.

