

# SENATE BILL NO. 487

September 04, 2019, Introduced by Senators POLEHANKI, HERTEL, ANANICH, WOJNO, BULLOCK, BRINKS, BAYER, ALEXANDER, GEISS, MCCANN and HOLLIER and referred to the Committee on Government Operations.

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 3 years **after the**  
3 **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 pay the minimum  
20 hourly wage in violation of this act, or who violates a provision  
21 of section 4a governing an employee's compensatory time, is subject  
22 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.**