

Amendment No. 1s

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED (Y/N)
ADOPTED AS AMENDED (Y/N)
ADOPTED W/O OBJECTION (Y/N)
FAILED TO ADOPT (Y/N)
WITHDRAWN (Y/N)
OTHER

1 Committee/Subcommittee hearing bill: Judiciary Committee
2 Representative Goodson offered the following:

3
4 **Substitute Amendment for Amendment (467847) by**
5 **Representative Steinberg (with title amendment)**

6 Remove everything after the enacting clause and insert:

7 Section 1. (1) There is created a civil cause of action
8 for the collection of unpaid wages.

9 (2) As used in this section, the term:

10 (a) "Wages" means wages, salaries, commissions, or other
11 similar forms of compensation.

12 (b) "Unpaid wages" means the improper underpayment or
13 nonpayment of wages within a reasonable time after the date on
14 which the employee performed the work for which the wages are
15 compensable.

16 (3) An employer shall pay the wages due to an employee for
17 the work that the employee performed and which are due within a
18 reasonable time after the date on which the employee performed
19 the work. The employer shall pay the wages according to the

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20 applicable rate and the employer's own pay schedule established
21 by policy or practice. If a pay schedule has not been
22 established, a reasonable time following the date on which that
23 employee performed the work is presumed to be 2 weeks.

24 (4) As a condition precedent to bringing a claim for
25 unpaid wages, the claimant shall notify in writing the employer
26 alleged to have violated this section of the employee's intent
27 to initiate a claim. The notice must identify the amount that
28 the claimant alleges he or she is owed, the actual or estimated
29 work dates and hours for which payment is sought, and the total
30 amount of alleged unpaid wages through the date of the notice.
31 The employer has 15 days following the date of service of the
32 notice to pay the total amount of unpaid wages or otherwise
33 resolve the claim to the satisfaction of the claimant.

34 (5) The claim shall have its venue in the county where the
35 work was performed or where the employer resides. A claim for
36 unpaid wages shall be tried before the court and not before a
37 jury. The claimant does not have a right to a class action to
38 enforce such unpaid wage claims.

39 (6) A claim for unpaid wages under this section must be
40 filed within 1 year following the last date that the allegedly
41 unpaid work was performed by the employee.

42 (7) A prevailing claimant is entitled to damages, which
43 shall be the actual wages due and owing, plus court costs and
44 interest.

45 (8) (a) A county, municipality, or political subdivision
46 may establish an administrative, nonjudicial complaint process
47 by which an unpaid wage claim may be filed by, or on behalf of,

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48 an aggrieved employee in order to assist in the collection of
49 wages owed to the employee. Any such process shall afford the
50 parties involved an opportunity to negotiate a resolution to the
51 wages in question.

52 (b) A county, municipality, or political subdivision may
53 not adopt or maintain in effect any law, ordinance, or rule that
54 creates requirements or regulations for the purpose of
55 addressing unpaid wage claims other than to establish the
56 administrative process provided for in this section.

57 (c) Any other regulation, ordinance, or provision for the
58 recovery of unpaid wages by a county, municipality, or political
59 subdivision is expressly prohibited and is preempted to the
60 state.

61 (9) This section does not apply to an employer whose
62 annual gross volume of sales is more than \$500,000, exclusive of
63 sales tax collected or excise taxes paid.

64 Section 2. This act shall take effect July 1, 2012.

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68 **T I T L E A M E N D M E N T**

69 Remove the entire title and insert:

70 A bill to be entitled

71 An act relating to wage protection for employees;
72 creating a civil cause of action for the collection of
73 unpaid wages; defining terms; requiring an employer to
74 pay the wages due to an employee for the work that the
75 employee performed within a reasonable time after the

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76 date on which the employee performed the work;
77 requiring a claimant, as a condition precedent to
78 bringing a claim for unpaid wages, to notify in
79 writing the employer of the employee's intention to
80 initiate a claim; providing for the content of the
81 notice; allotting the employer a specific time to pay
82 the total amount of unpaid wages or otherwise resolve
83 the claim to the satisfaction of the claimant;
84 providing for the venue of such claims; prohibiting
85 the maintenance of a class action; providing for
86 damages to include court costs and interest;
87 authorizing a county, municipality, or political
88 subdivision to establish an administrative,
89 nonjudicial process by which a claim may be filed by,
90 or on behalf of, an aggrieved employee; prohibiting a
91 county, municipality, or political subdivision from
92 adopting or maintaining in effect a law, ordinance, or
93 rule for the purpose of addressing unpaid wage claims
94 other than to establish an administrative process as
95 provided in the act; providing that any regulation,
96 ordinance, or other provision for recovery of unpaid
97 wages by counties, municipalities, or political
98 subdivisions is prohibited and preempted to the state;
99 providing a limitation of applicability to certain
100 employers; providing an effective date.