

Amendment No.

CHAMBER ACTION

Senate

House

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1 Representative Goodson offered the following:

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3 **Amendment to Amendment (547054) (with title amendment)**

4 Remove lines 5-537 of the amendment and insert:

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

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

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

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

14 (3) An employer shall pay the wages due to an employee for
15 the work that the employee performed and which are due within a
16 reasonable time after the date on which the employee performed

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

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

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

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

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

43 (8) (a) A county, municipality, or political subdivision
44 may establish an administrative, nonjudicial complaint process

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45 by which an unpaid wage claim may be filed by, or on behalf of,
46 an aggrieved employee in order to assist in the collection of
47 wages owed to the employee. Any such process shall afford the
48 parties involved an opportunity to negotiate a resolution to the
49 wages in question.

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

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

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

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

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

66 Remove lines 544-592 of the amendment and insert:
67 An act relating to wage protection for employees;
68 creating a civil cause of action for the collection of
69 unpaid wages; defining terms; requiring an employer to
70 pay the wages due to an employee for the work that the
71 employee performed within a reasonable time after the
72 date on which the employee performed the work;

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

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