

HB 2169 -1, -2 STAFF MEASURE SUMMARY

House Committee On Business and Labor

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Meeting Dates: 2/13, 4/10

WHAT THE MEASURE DOES:

Allows court to award attorney fees only to prevailing plaintiff on claims against employers for wage and hour and employment cases.

ISSUES DISCUSSED:

EFFECT OF AMENDMENT:

-1 Maintains authority of court to award attorney fees to prevailing party in civil actions for repair or replacement of employee's trade equipment.

- No expenditure or revenue impacts

-2 Maintains authority of court to award attorney fees to prevailing party in civil actions for unlawful discrimination.

- No expenditure or revenue impacts

BACKGROUND:

An employee who claims an employer violated wage and hour or employment law can file a claim with the Bureau of Labor and Industries within one year of the alleged violation. The Bureau may conduct an investigation and attempt to resolve the dispute between the employee and employer. Depending on the violation, the Commissioner may have authority to seek to collect on behalf of the employee through court action or through administrative proceedings. There are also civil penalty provisions for certain violations that the Commissioner can impose. For certain violations, the employee has the right to take civil court action instead of pursuing a claim through the Bureau. When taking a wage and hour or employment case to court, in some situations the judge has statutory authority to award reasonable attorney fees to the prevailing party, be it the employer or the employee, and in other situations only the prevailing plaintiff may receive such an award. House Bill 2169 allows the court to award reasonable attorney fees to only the prevailing plaintiff for wage and hour or employment violations.