

## HB 3008 -1 STAFF MEASURE SUMMARY

### House Committee On Business and Labor

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**Meeting Dates:** 3/8, 4/12

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#### WHAT THE MEASURE DOES:

Prohibits employer from requiring employee to submit false information related to hours worked or pay received. Establishes private right of action. Allows court to award actual damages or \$1,000 per violation, whichever is greater, as well as injunctive relief, attorney fees and costs. Allows Commissioner of Bureau of Labor and Industries to assess civil penalty not to exceed \$1,000 per violation.

- Minimal expenditure impact
- No revenue impact

#### ISSUES DISCUSSED:

- Ensure people are paid for work performed
- Difficulty of proving wage theft when employee signs timecard, even if employee was pressured to misrepresent hours worked
- Collected money for penalties generally go into the Common School Fund
- No existing penalty for falsifying timecards
- Burden on employee to show not all wages were paid

#### EFFECT OF AMENDMENT:

-1 Clarifies that employer may not require employee to create, file or sign wage and hour records containing information employer *knows is false*. Clarifies court and Commissioner shall count each pay period in which violation occurs or continues as separate violation.

#### BACKGROUND:

Wage theft is a problem that adversely and directly affects the employees who have the right to be paid for the work performed; indirect victims of wage theft are the employers who abide by all wage and hour laws and regulations and, thus, are at a competitive disadvantage with those who do not. Existing protections against wage theft often depend on the employee being able to provide a timesheet as evidence. House Bill 3008 is intended to close the loophole by prohibiting an employer from coercing, compelling or otherwise inducing an employee to submit false records relating to their hours worked or compensation received.