

**HB 3008 A STAFF MEASURE SUMMARY**

**Carrier:** Sen. Gelser

**Senate Committee On Workforce**

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**Action Date:** 05/17/17

**Action:** Do pass the A-Eng bill.

**Vote:** 5-0-0-0

**Yeas:** 5 - Gelser, Hansell, Knopp, Monnes Anderson, Taylor

**Fiscal:** Has minimal fiscal impact

**Revenue:** No revenue impact

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**WHAT THE MEASURE DOES:**

Prohibits employer from requiring employee to submit information related to hours worked or pay received when employer knows information is false. Provides that each pay period in which violation occurs or continues is a separate violation. 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.

**ISSUES DISCUSSED:**

- Employee burden to disprove false records
- Clarification of provisions in measure

**EFFECT OF AMENDMENT:**

No amendment.

**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 remedies for wage theft often depend on the employee being able to provide an accurate time sheet of hours worked as evidence.

House Bill 3008-A provides a private right of action for an employee who is compelled, coerced or otherwise induced by their employer to create, file or sign hour and wage documents that the employer knows are false.