

# Senate Bill 777

Sponsored by Senator DEMBROW

## SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Removes certain discretion from court to require employee to pay employer's attorney fees if employee pursues action for unpaid wages against employer but does not prevail.

## A BILL FOR AN ACT

1  
2 Relating to attorney fees for an employee who prevails on certain wage claims; amending ORS  
3 653.055.

4 **Be It Enacted by the People of the State of Oregon:**

5 **SECTION 1.** ORS 653.055 is amended to read:

6 653.055. (1) Any employer who pays an employee less than the wages to which the employee is  
7 entitled under ORS 653.010 to 653.261 is liable to the employee affected:

8 (a) For the full amount of the wages, less any amount actually paid to the employee by the  
9 employer; and

10 (b) For civil penalties provided in ORS 652.150.

11 (2) Any agreement between an employee and an employer to work at less than the wage rate  
12 required by ORS 653.010 to 653.261 is no defense to an action under subsection (1) of this section.

13 (3) The Commissioner of the Bureau of Labor and Industries has the same powers and duties in  
14 connection with a wage claim based on ORS 653.010 to 653.261 as the commissioner has under ORS  
15 652.310 to 652.445 and in addition the commissioner may, without the necessity of assignments of  
16 wage claims from employees, initiate suits against employers to enjoin future failures to pay re-  
17 quired minimum wages or overtime pay and to require the payment of minimum wages and overtime  
18 pay due employees but not paid as of the time of the filing of suit. The commissioner may join in a  
19 single proceeding and in one cause of suit any number of wage claims against the same employer.  
20 If the commissioner does not prevail in such action, the commissioner shall pay all costs and dis-  
21 bursements from the Bureau of Labor and Industries Account.

22 (4) The court may award reasonable attorney fees to the prevailing [*party*] **plaintiff** in any  
23 action brought by an employee under this section.

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**NOTE:** Matter in **boldfaced** type in an amended section is new; matter [*italic and bracketed*] is existing law to be omitted. New sections are in **boldfaced** type.