

This Document can be made available in alternative formats upon request

State of Minnesota  
HOUSE OF REPRESENTATIVES

EIGHTY-FIFTH  
SESSION

HOUSE FILE No. **2083**

March 14, 2007

Authored by Rukavina and Clark

The bill was read for the first time and referred to the Committee on Commerce and Labor

1.1 A bill for an act  
1.2 relating to employment; providing remedies and enforcement for the prevailing  
1.3 wage law; amending Minnesota Statutes 2006, section 177.27, subdivisions  
1.4 1, 4, 8, 9, 10.

1.5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.6 Section 1. Minnesota Statutes 2006, section 177.27, subdivision 1, is amended to read:

1.7 Subdivision 1. **Examination of records.** The commissioner may enter during  
1.8 reasonable office hours or upon request and inspect the place of business or employment of  
1.9 any employer of employees working in the state, to examine and inspect books, registers,  
1.10 payrolls, and other records of any employer that in any way relate to wages, hours, and  
1.11 other conditions of employment of any employees. The commissioner may transcribe any  
1.12 or all of the books, registers, payrolls, and other records as the commissioner deems  
1.13 necessary or appropriate and may question the employees to ascertain compliance with  
1.14 sections 177.21 to ~~177.35~~ 177.44. The commissioner may investigate wage claims or  
1.15 complaints by an employee against an employer if the failure to pay a wage may violate  
1.16 Minnesota law or an order or rule of the department.

1.17 Sec. 2. Minnesota Statutes 2006, section 177.27, subdivision 4, is amended to read:

1.18 Subd. 4. **Compliance orders.** The commissioner may issue an order requiring an  
1.19 employer to comply with sections 177.21 to ~~177.35~~ 177.44, 181.02, 181.03, 181.031,  
1.20 181.032, 181.101, 181.11, 181.12, 181.13, 181.14, 181.145, 181.15, and 181.79, or with  
1.21 any rule promulgated under section 177.28. The department shall serve the order upon  
1.22 the employer or the employer's authorized representative in person or by certified mail  
1.23 at the employer's place of business. An employer who wishes to contest the order must

2.1 file written notice of objection to the order with the commissioner within 15 calendar  
 2.2 days after being served with the order. A contested case proceeding must then be held  
 2.3 in accordance with sections 14.57 to 14.69. If, within 15 calendar days after being  
 2.4 served with the order, the employer fails to file a written notice of objection with the  
 2.5 commissioner, the order becomes a final order of the commissioner.

2.6 Sec. 3. Minnesota Statutes 2006, section 177.27, subdivision 8, is amended to read:

2.7 Subd. 8. **Court actions; suits brought by private parties.** An employee may bring  
 2.8 a civil action seeking redress for a violation or violations of sections 177.21 to ~~177.35~~  
 2.9 177.44 directly to district court. An employer who pays an employee less than the wages  
 2.10 and overtime compensation to which the employee is entitled under sections 177.21 to  
 2.11 ~~177.35~~ 177.44 is liable to the employee for the full amount of the wages, gratuities, and  
 2.12 overtime compensation, less any amount the employer is able to establish was actually  
 2.13 paid to the employee and for an additional equal amount as liquidated damages. In  
 2.14 addition, in an action under this subdivision the employee may seek damages and other  
 2.15 appropriate relief provided by subdivision 7 and otherwise provided by law. An agreement  
 2.16 between the employee and the employer to work for less than the applicable wage is not  
 2.17 a defense to the action.

2.18 Sec. 4. Minnesota Statutes 2006, section 177.27, subdivision 9, is amended to read:

2.19 Subd. 9. **District court jurisdiction.** Any action brought under subdivision 8 may  
 2.20 be filed in the district court of the county wherein a violation or violations of sections  
 2.21 177.21 to ~~177.35~~ 177.44 are alleged to have been committed, where the respondent resides  
 2.22 or has a principal place of business, or any other court of competent jurisdiction. The  
 2.23 action may be brought by one or more employees.

2.24 Sec. 5. Minnesota Statutes 2006, section 177.27, subdivision 10, is amended to read:

2.25 Subd. 10. **Attorney fees and costs.** In any action brought pursuant to subdivision 8,  
 2.26 the court shall order an employer who is found to have committed a violation or violations  
 2.27 of sections 177.21 to ~~177.35~~ 177.44 to pay to the employee or employees reasonable costs,  
 2.28 disbursements, witness fees, and attorney fees.