

HOUSE FLOOR AMENDMENT

Second Reading

BY REPRESENTATIVE Velasco

1 Amend reengrossed bill, page 2, strike line 5 and substitute "**notice**
2 **requirement - enforcement - civil penalties - private right of action -**
3 **retaliation prohibited - definitions.**".

4 Page 3, after line 13 insert:

5 "(3) EACH AGRICULTURAL EMPLOYER SHALL PROMINENTLY POST
6 A NOTICE OF WORKERS' RIGHTS UNDER THIS ARTICLE 6 IN A LOCATION
7 ACCESSIBLE TO AGRICULTURAL WORKERS, INCLUDING, WHERE
8 APPLICABLE, AT WORK SITES, HOUSING PROVIDED BY THE EMPLOYER, AND
9 COMMON AREAS.

10 (4) AN AGRICULTURAL EMPLOYER THAT FAILS TO COMPLY WITH
11 SUBSECTION (3) OF THIS SECTION IS SUBJECT TO A CIVIL PENALTY AS
12 FOLLOWS:

13 (a) NO LESS THAN ONE HUNDRED DOLLARS AND NO MORE THAN
14 FIVE HUNDRED DOLLARS PER VIOLATION FOR A FIRST OFFENSE; AND

15 (b) NO LESS THAN FIVE HUNDRED DOLLARS AND NO MORE THAN
16 ONE THOUSAND DOLLARS PER VIOLATION FOR A SECOND OR SUBSEQUENT
17 OFFENSE.

18 (5) THE DIVISION MAY:

19 (a) INVESTIGATE ALLEGED VIOLATIONS OF THIS SECTION;

20 (b) ISSUE CITATIONS AND ASSESS CIVIL PENALTIES; AND

21 (c) ORDER APPROPRIATE RELIEF, INCLUDING COMPLIANCE WITH
22 NOTICE AND POSTING REQUIREMENTS.

23 (6) AN AGRICULTURAL WORKER AGGRIEVED BY A VIOLATION OF
24 THIS SECTION MAY BRING A CIVIL ACTION IN A COURT OF COMPETENT
25 JURISDICTION TO SEEK:

26 (a) STATUTORY DAMAGES OF NO LESS THAN FIFTY DOLLARS PER
27 VIOLATION;

28 (b) INJUNCTIVE RELIEF; AND

29 (c) REASONABLE ATTORNEY FEES AND COSTS.

30 (7) AN EMPLOYER SHALL NOT DISCHARGE, DISCIPLINE, OR
31 OTHERWISE RETALIATE AGAINST AN AGRICULTURAL WORKER FOR
32 ASSERTING RIGHTS UNDER THIS SECTION OR FOR PARTICIPATING IN AN
33 INVESTIGATION. FAILURE TO PROVIDE NOTICE CREATES A REBUTTABLE
34 PRESUMPTION THAT THE EMPLOYER FAILED TO COMPLY WITH APPLICABLE
35 OVERTIME REQUIREMENTS.

36 (8) CIVIL PENALTIES COLLECTED PURSUANT TO THIS SECTION
37 SHALL BE TRANSMITTED TO THE STATE TREASURER FOR CREDIT TO THE
38 WAGE THEFT ENFORCEMENT FUND CREATED IN SECTION 8-4-113 (3) OR
39 ANY SUCCESSOR FUND."

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