

## HOUSE FLOOR AMENDMENT

Second Reading

BY REPRESENTATIVE Duran

1 Amend printed bill, page 5, line 2, strike "(2); and substitute "(1)(a)  
2 introductory portion, (1)(a)(II), and (2) as follows:".

3 Page 5, strike lines 3 through 11 and substitute:

4       **"8-4-110. Disputes - fees.** (1) (a) The court may award the  
5 employer reasonable costs and attorney fees incurred in a civil action  
6 BROUGHT UNDER THIS ARTICLE 4 if, within fourteen days after a written  
7 demand letter is sent to or a civil action is served on the employer for  
8 unpaid wages or compensation:

9        (II) ~~The employees receiving such tender ultimately fail to recover  
10 a total sum that is greater than the amount the employer tendered THE  
11 COURT ULTIMATELY FINDS THAT THE EMPLOYEES RECEIVING SUCH TENDER  
12 PURSUED AN ACTION LACKING SUBSTANTIAL JUSTIFICATION.~~".

13 Page 12, line 6, after the period add "ADVERSE ACTION OCCURRING MORE  
14 THAN NINETY DAYS AFTER THE EXERCISE OF A PROTECTED ACTIVITY MAY  
15 ALSO CONSTITUTE RETALIATION.".

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