

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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