



Sen. William Delgado

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LRB096 20650 RLC 39004 a

1 AMENDMENT TO SENATE BILL 3568

2 AMENDMENT NO. _____. Amend Senate Bill 3568, AS AMENDED,
3 in the first sentence of subsection (d) of Sec. 11 of Section
4 10, by replacing "Subject to appropriation, to" with "In
5 addition to the aforementioned powers, subject to
6 appropriation, the Department may"; and

7 in the second sentence of subsection (d) of Sec. 11 of Section
8 10, by replacing "his or her" with "her or his"; and

9 in paragraph (1) of subsection (a-5) of Sec. 14 of Section 10,
10 by replacing "\$500 or less, a Class A" with "\$5,000 or less, a
11 Class B"; and

12 in paragraph (2) of subsection (a-5) of Sec. 14 of Section 10,
13 by replacing "\$500, a Class 4 felony" with "\$5,000, a Class A
14 misdemeanor"; and

1 by replacing all of subsections (b) and (b-5) of Sec. 14 of
2 Section 10 with the following:

3 "Any employer or any agent of an employer who violates this
4 Section of the Act a subsequent time within 2 years of a prior
5 criminal conviction under this Section is guilty, upon
6 conviction, of a Class 4 felony.

7 (b) Any employer who has been demanded by the Director of
8 Labor or ordered by the court to pay wages, final compensation,
9 or wage supplements due an employee shall be required to pay a
10 non-waivable administrative fee of \$250 to the Department of
11 Labor. If an employer fails to pay penalties or wages that have
12 been so demanded or ordered and who shall fail to do so within
13 15 calendar days after such demand or order is entered, the
14 employer shall also be liable to pay an additional a penalty of
15 1% per calendar day to the employee for each day of delay in
16 paying such wages to the employee ~~up to an amount equal to~~
17 ~~twice the sum of unpaid wages due the employee. Such employer~~
18 ~~shall also be liable to the Department of Labor for 20% of such~~
19 ~~unpaid wages. All moneys recovered as fees and civil penalties~~
20 under this Act, except those owing to the affected employee,
21 shall be deposited into the Wage Theft Enforcement Fund, a
22 special fund which is hereby created in the State treasury.
23 Moneys in the Fund may be used only for enforcement of this
24 Act.

25 (b-5) Penalties and fees under this Section may be
26 recovered in a civil action brought by the Director in any

1 circuit court or in any administrative adjudicative proceeding
2 under this Act. In any civil action or administrative
3 adjudicative proceeding under this Act ~~this litigation~~, the
4 Director of Labor shall be represented by the Attorney
5 General.".