

Effective 5/9/2017

34-28-9 Enforcement of chapter -- Rulemaking authority.

- (1)
 - (a) The division shall:
 - (i) ensure compliance with this chapter;
 - (ii) investigate any alleged violations of this chapter; and
 - (iii) determine the validity of a claim for any violation of this chapter that is filed with the division by an employee.
 - (b) The commission may make rules consistent with this chapter governing wage claims and payment of wages.
 - (c) The minimum wage claim that the division may accept is \$50.
 - (d) The maximum wage claim that the division may accept is \$10,000.
 - (e) A wage claim shall be filed within one year after the day on which the wages were earned.
- (2)
 - (a) The division may assess against an employer who fails to pay an employee in accordance with this chapter, a penalty of 5% of the unpaid wages owing to the employee which shall be assessed daily until paid for a period not to exceed 20 days.
 - (b) The division shall:
 - (i) retain 50% of the money received from a penalty payment under Subsection (2)(a) for the costs of administering this chapter;
 - (ii) pay all the sums retained under Subsection (2)(b)(i) to the state treasurer; and
 - (iii) pay the 50% not retained under Subsection (2)(b)(i) to the employee.
 - (c) Subsections (2)(a) and (b) do not apply to a violation of Subsection 34-28-3(5).
- (3)
 - (a) A person who violates Subsection 34-28-3(5) is subject to a civil fine of:
 - (i) \$50 for the first violation within a one-year period;
 - (ii) \$100 for the second violation within a one-year period;
 - (iii) \$100 for the third violation within a one-year period; and
 - (iv) \$500 for the fourth violation and each subsequent violation within a one-year period.
 - (b) The division shall deposit the money that the division receives under Subsection (3)(a) into the General Fund as a dedicated credit to the division to pay for the costs of administering this chapter.
- (4)
 - (a) An abstract of any final award under this section may be filed in the office of the clerk of the district court of any county in the state. If so filed, the abstract shall be docketed in the judgment docket of that district court.
 - (b) The time of the receipt of the abstract shall be noted by the clerk and entered in the judgment docket.
 - (c) Unless the award was previously satisfied, if an abstract is filed and docketed, the award constitutes a lien upon the employer's real property that is situated in the county in which the abstract is filed for a period of eight years after the day on which the award is granted.
 - (d) The district court may issue an execution or a renewal on the order within the same time and in the same manner and with the same effect as if the order were a judgment issued by the district court.
- (5)
 - (a) The commission may employ counsel, appoint a representative, or request the attorney general, or the county attorney for the county in which the final award is filed and docketed, to represent the commission on all appeals and to enforce judgments.

- (b) The counsel employed by the commission, the attorney general, or the county representing the commission, shall be awarded:
 - (i) reasonable attorney fees, as specified by the commission; and
 - (ii) costs for:
 - (A) appeals when the plaintiff prevails; and
 - (B) judgment enforcement proceedings.
- (6)
 - (a) The commission may enter into reciprocal agreements with the labor department or a corresponding agency of any other state or with the person, board, officer, or commission authorized to act on behalf of that department or agency, for the collection in any other state of claims or judgments for wages and other demands based upon claims previously assigned to the commission.
 - (b) The commission may, to the extent provided by any reciprocal agreement entered into under Subsection (6)(a), or by the laws of any other state, maintain actions in the courts of the other states for the collection of any claims for wages, judgments, and other demands and may assign the claims, judgments, and demands to the labor department or an agency of any other state for collection to the extent that may be permitted or provided by the laws of that state or by reciprocal agreement.
 - (c) The commission may maintain actions in the courts of this state upon assigned claims for wages, judgments, and demands arising in any other state in the same manner and to the same extent that the actions by the commission are authorized when arising in this state if:
 - (i) the labor department or a corresponding agency of any other state or of any person, board, officer, or commission of that state authorized to act on behalf of the labor department or corresponding agency requests in writing that the commission commence and maintain the action; and
 - (ii) the other state by legislation or reciprocal agreement extends the same comity to this state.

Amended by Chapter 461, 2017 General Session