

IF THE COMMISSIONER DETERMINES THAT THE EMPLOYER VIOLATED A PROVISION OF THIS TITLE OR REGULATIONS OF THE COMMISSIONER, THE EMPLOYER SHALL:

(1) PAY RESTITUTION TO EACH AFFECTED EMPLOYEE; AND

(2) PAY TO THE STATE LIQUIDATED DAMAGES OF \$20 PER DAY FOR EACH EMPLOYEE WHO WAS PAID LESS THAN THE HOURLY RATE REQUIRED UNDER THIS TITLE.

18-109.

(A) (1) IF AN EMPLOYEE WAS PAID LESS THAN THE WAGE RATE REQUIRED UNDER THIS TITLE THE EMPLOYEE IS ENTITLED TO SUE TO RECOVER THE AMOUNT OF THE DIFFERENCE BETWEEN THE WAGE RATE REQUIRED UNDER THIS TITLE AND THE AMOUNT RECEIVED BY THE EMPLOYEE.

(2) A DETERMINATION BY THE COMMISSIONER THAT AN EMPLOYER IS REQUIRED TO MAKE RESTITUTION DOES NOT PRECLUDE AN EMPLOYEE FROM FILING AN ACTION UNDER THIS SECTION.

(B) (1) AN ACTION UNDER THIS SECTION IS CONSIDERED TO BE A SUIT FOR WAGES.

(2) A JUDGMENT IN AN ACTION UNDER THIS SECTION SHALL HAVE THE SAME FORCE AND EFFECT AS ANY OTHER JUDGMENT FOR WAGES.

(C) THE FAILURE OF AN EMPLOYEE TO PROTEST ORALLY OR IN WRITING THE PAYMENT OF A WAGE THAT IS LESS THAN THE WAGE RATE REQUIRED UNDER THIS TITLE IS NOT A BAR TO RECOVERY IN AN ACTION UNDER THIS SECTION.

~~18-110.~~

~~(A) AN EMPLOYER MAY NOT RETALIATE AGAINST AN EMPLOYEE BECAUSE THE EMPLOYEE EXERCISES THE EMPLOYEE'S RIGHTS UNDER THIS TITLE.~~

~~(B) AN EMPLOYER WHO VIOLATES SUBSECTION (A) OF THIS SECTION IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO A FINE NOT EXCEEDING \$500 OR IMPRISONMENT NOT EXCEEDING 1 YEAR OR BOTH.~~

SECTION 2. AND BE IT FURTHER ENACTED, That: