

ASSEMBLY BILL

No. 2074

Introduced by Assembly Member Roger Hernández

February 20, 2014

An act to amend Section 1194.2 of the Labor Code, relating to employment.

LEGISLATIVE COUNSEL'S DIGEST

AB 2074, as introduced, Roger Hernández. Recovery of wages: liquidated damages.

Existing law authorizes an employee to bring a civil lawsuit against his or her employer for the unpaid balance of wages or compensation owed to that employee.

Existing law permits an employee to recover liquidated damages equal to the unpaid wages plus interest in a court action alleging payment of less than the state minimum wage.

This bill would provide that a suit for liquidated damages may be filed at any time before the expiration of the statute of limitations for bringing the underlying action alleging payment of less than the state minimum wage.

Vote: majority. Appropriation: no. Fiscal committee: no. State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 1194.2 of the Labor Code is amended to
2 read:
3 1194.2. (a) In any action under Section 98, 1193.6, 1194, or
4 1197.1 to recover wages because of the payment of a wage less

1 than the minimum wage fixed by an order of the commission or
2 by statute, an employee shall be entitled to recover liquidated
3 damages in an amount equal to the wages unlawfully unpaid and
4 interest thereon. Nothing in this subdivision shall be construed to
5 authorize the recovery of liquidated damages for failure to pay
6 overtime compensation. *A suit may be filed for liquidated damages*
7 *at any time before the expiration of the statute of limitations on*
8 *an action for wages from which the liquidated damages arise.*

9 (b) Notwithstanding subdivision (a), if the employer
10 demonstrates to the satisfaction of the court or the Labor
11 Commissioner that the act or omission giving rise to the action
12 was in good faith and that the employer had reasonable grounds
13 for believing that the act or omission was not a violation of any
14 provision of the Labor Code relating to minimum wage, or an order
15 of the commission, the court or the Labor Commissioner may, as
16 a matter of discretion, refuse to award liquidated damages or award
17 any amount of liquidated damages not exceeding the amount
18 specified in subdivision (a).

19 (c) This section applies only to civil actions commenced on or
20 after January 1, 1992.