

§53. Additional penalties

In addition to any penalties provided in chapter 7, subchapters 1 to 4, the director may assess a fine against an employer, officer, agent or other person that violates any provision of chapter 7, subchapters 1 to 4 for each violation of those subchapters. The fine may not exceed \$1,000 or the amount provided in law or rule as a penalty for the specific violation, whichever is less. In addition, the director may order any employer, officer, agent or other person that the director finds is in violation under chapter 7, subchapters 1 to 4 or section 1312 to pay unpaid wages determined to be due, as well as an additional amount equal to twice the amount of unpaid wages as liquidated damages and a reasonable rate of interest. The Attorney General, upon complaint of the director, shall institute a civil action to recover the fine and any unpaid wages, liquidated damages and interest. Whether through private right of action, through order of the director or through civil action of the Attorney General, an employee may not receive payment more than once for the same unpaid wages and liquidated damages owed. Any civil fine or penalty recovered must be deposited with the Treasurer of State. The Department of Labor is authorized to receive the payment of unpaid wages, liquidated damages and interest on behalf of an employee. The director must pay these sums to the employee in their entirety. The director shall adopt rules to govern the administration of the civil money fine or penalty provisions. The rules must include a right of appeal by the employer and a range of monetary assessments with consideration given to the size of the employer's business, the good faith of the employer, the gravity of the violation and the history of previous violations. The rules adopted pursuant to this section are major substantive rules pursuant to Title 5, chapter 375, subchapter 2-A. [PL 2023, c. 651, §1 (AMD).]

SECTION HISTORY

PL 1999, c. 181, §1 (NEW). PL 2023, c. 651, §1 (AMD).

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