

103^D CONGRESS
1ST SESSION

H. R. 2710

To amend the Fair Labor Standards Act of 1938 to provide for the tolling of the statute of limitations for investigations of violations of such Act, to provide protection to employees who assist in investigations of violations of this Act, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JULY 22, 1993

Mr. LANTOS (for himself and Mr. SHAYS) introduced the following bill; which was referred to the Committee on Education and Labor

A BILL

To amend the Fair Labor Standards Act of 1938 to provide for the tolling of the statute of limitations for investigations of violations of such Act, to provide protection to employees who assist in investigations of violations of this Act, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE AND REFERENCE.**

4 (a) **SHORT TITLE.**—This Act may be cited as the
5 “Wage and Hour Reform and Equity Act of 1993”.

6 (b) **REFERENCE.**—Whenever in sections 3 through
7 10 an amendment or repeal is expressed in terms of an

1 amendment to, or repeal of, a section or other provision,
2 the reference shall be considered to be made to a section
3 or other provision of the Fair Labor Standards Act of
4 1938.

5 **SEC. 2. STATUTE OF LIMITATIONS.**

6 Section 6(a) of the Portal-to-Portal Act of 1947 (29
7 U.S.C. 255(a)) is amended by adding before the semicolon
8 the following: “and except that the running of such statu-
9 tory period of limitation for a violation of the Fair Labor
10 Standards Act of 1938 shall be suspended during the pe-
11 riod (1) beginning on the date a complaint of such viola-
12 tion is filed with the Secretary by an employee and ending
13 on the date final action is taken on such complaint, or
14 (2) if an employee does not file a complaint, beginning
15 on the date the Secretary initiates an investigation of such
16 a violation and ending on the date final action is taken
17 on such investigation”.

18 **SEC. 3. COMPENSATION.**

19 Section 6(a)(1) (29 U.S.C. 206(a)(1)) is amended by
20 inserting before “except” the following: “the employee’s
21 regular rate of pay which shall be,”.

22 **SEC. 4. NOTICE.**

23 Section 11 (29 U.S.C. 211) is amended by adding
24 at the end the following:

1 “(e) In any investigation or proceeding by the Sec-
2 retary under this Act which involves actual or potential
3 violations of this Act affecting at least 50 employees of
4 an employer, the Secretary shall—

5 “(1) inform, in writing, all affected employees
6 of such employer—

7 “(A) that such an investigation or proceed-
8 ing has been initiated;

9 “(B) of their rights under this Act, includ-
10 ing their right to provide information in connec-
11 tion with such investigation or proceeding; and

12 “(C) the protection provided by paragraphs
13 (6) and (7) of section 15(a) against discrimina-
14 tion or retaliation for providing such informa-
15 tion;

16 “(2) disclose, in writing, the terms of any set-
17 tlement of such an investigation or proceeding.”.

18 **SEC. 5. TEACHERS.**

19 Section 13(a) (29 U.S.C. 213(a)) is amended by
20 striking out “or teacher in elementary or secondary
21 schools”.

22 **SEC. 6. DISCRIMINATION; INTERFERENCE.**

23 Section 15(a) is amended by striking out the period
24 at the end of paragraph (5) and inserting in lieu thereof

1 a semicolon and by adding after paragraph (5) the follow-
2 ing:

3 “(6) to discriminate or retaliate in any way
4 against any employee because such employee has as-
5 serted to the employee’s employer or agent of such
6 employer or to any governmental authority any right
7 protected under this Act; or

8 “(7) to interfere in any way with any employ-
9 ee’s right to provide information in connection with
10 an investigation or proceeding under this Act.”.

11 **SEC. 7. ACTIONS.**

12 (a) ACTIONS UNDER SECTION 16(b).—Section 16(b)
13 (29 U.S.C. 216(b)) is amended by striking out the last
14 sentence.

15 (b) ACTIONS UNDER SECTION 17.—Section 17 (29
16 U.S.C. 217) is amended by adding at the end the follow-
17 ing: “An action may be brought under this section by the
18 Secretary or by one or more employees for and on behalf
19 of such employee or employees and other employees simi-
20 larly situated.”.

21 **SEC. 8. CONSENT TO SUIT.**

22 Section 16(b) (29 U.S.C. 216(b)) is amended by
23 striking out the 4th sentence.

24 **SEC. 9. CIVIL PENALTIES.**

25 Section 16(e) (29 U.S.C. 216(e)) is amended—

1 (1) by striking out “person” each place it oc-
2 curs and inserting in lieu thereof “employer or agent
3 of an employer”, and

4 (2) by inserting after the second sentence the
5 following: “Any employer or agent of an employer
6 who violates section 15(a)(5) shall be subject to a
7 civil penalty of not to exceed \$10,000 for each such
8 violation.”.

9 **SEC. 10. PUBLICATION OF VIOLATIONS.**

10 Section 16 (29 U.S.C. 216) is amended by adding
11 at the end the following:

12 “(f) When any person violates section 15, the Sec-
13 retary shall publish the name and address of such person
14 and a description of the violation in the Federal Reg-
15 ister.”.

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