

REFERENCE TITLE: collective bargaining; warehouse employees; quotas

State of Arizona  
Senate  
Fifty-sixth Legislature  
Second Regular Session  
2024

## **SB 1449**

Introduced by  
Senator Bravo

AN ACT

AMENDING TITLE 23, CHAPTER 8, ARIZONA REVISED STATUTES, BY ADDING ARTICLE 9; RELATING TO LABOR.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Title 23, chapter 8, Arizona Revised Statutes, is  
3 amended by adding article 9, to read:

4 ARTICLE 9. WAREHOUSE EMPLOYEES

5 23-1451. Definitions

6 IN THIS ARTICLE, UNLESS THE CONTEXT OTHERWISE REQUIRES:

7 1. "AGGREGATED DATA" MEANS INFORMATION THAT AN EMPLOYER HAS  
8 COMBINED OR COLLECTED IN SUMMARY OR ANOTHER FORM FOR WHICH THE DATA CANNOT  
9 BE IDENTIFIED BY A SPECIFIC INDIVIDUAL.

10 2. "COMMISSION" MEANS THE INDUSTRIAL COMMISSION OF ARIZONA.

11 3. "DEFINED TIME PERIOD":

12 (a) MEANS ANY UNIT OF TIME MEASUREMENT EQUAL TO OR LESS THAN THE  
13 DURATION OF AN EMPLOYEE'S SHIFT.

14 (b) INCLUDES HOURS, MINUTES, SECONDS AND FRACTIONS.

15 4. "DESIGNATED EMPLOYEE'S REPRESENTATIVE" MEANS ANY EMPLOYEE  
16 REPRESENTATIVE, INCLUDING AN AUTHORIZED EMPLOYEE REPRESENTATIVE THAT HAS A  
17 COLLECTIVE BARGAINING RELATIONSHIP WITH THE EMPLOYER.

18 5. "EMPLOYEE" MEANS A NONEXEMPT EMPLOYEE WHO WORKS AT A WAREHOUSE  
19 DISTRIBUTION CENTER AND IS SUBJECT TO A QUOTA AS DEFINED IN THIS SECTION.

20 6. "EMPLOYEE'S WORK SPEED DATA" MEANS INFORMATION AN EMPLOYER  
21 COLLECTS, STORES, ANALYZES OR INTERPRETS RELATING TO AN INDIVIDUAL  
22 EMPLOYEE'S PERFORMANCE OF A QUOTA THAT MAY INCLUDE:

23 (a) QUANTITIES OF TASKS PERFORMED.

24 (b) QUANTITIES OF ITEMS OR MATERIALS HANDLED OR PRODUCED.

25 (c) RATES OR SPEEDS OF TASKS PERFORMED.

26 (d) MEASUREMENTS OR METRICS OF EMPLOYEE PERFORMANCE IN RELATION TO  
27 A QUOTA.

28 (e) TIME CATEGORIZED AS PERFORMING TASKS OR NOT PERFORMING TASKS.

29 7. "EMPLOYER" MEANS A PERSON WHO DIRECTLY OR INDIRECTLY, OR THROUGH  
30 AN AGENT OR ANY OTHER PERSON, INCLUDING THROUGH THE SERVICES OF A  
31 THIRD-PARTY EMPLOYER, TEMPORARY SERVICES, A STAFFING AGENCY, AN  
32 INDEPENDENT CONTRACTOR OR ANY SIMILAR ENTITY FROM THE EFFECTIVE DATE OF  
33 THIS SECTION FOR THE PAST TWELVE MONTHS, EMPLOYS, RETAINS OR EXERCISES  
34 CONTROL OVER THE WAGES, HOURS OR WORKING CONDITIONS OF ONE HUNDRED OR MORE  
35 EMPLOYEES AT A SINGLE WAREHOUSE DISTRIBUTION CENTER OR FIVE HUNDRED OR  
36 MORE EMPLOYEES AT ONE OR MORE WAREHOUSE DISTRIBUTION CENTERS IN THIS  
37 STATE.

38 8. "PERSON" MEANS A CURRENT OR FORMER EMPLOYEE, INCLUDING THE  
39 CURRENT OR FORMER EMPLOYEE'S AGENT OR EMPLOYER'S AGENT OR PERSON ACTING ON  
40 BEHALF OF A HIRING ENTITY, OR THE OFFICER OR AGENT OF ANY ENTITY,  
41 BUSINESS, CORPORATION, PARTNERSHIP OR LIMITED LIABILITY COMPANY.

42 9. "QUOTA" MEANS A PERFORMANCE STANDARD OR PERFORMANCE TARGET UNDER  
43 WHICH ANY OF THE FOLLOWING APPLIES:

44 (a) AN EMPLOYEE IS ASSIGNED OR REQUIRED, WITHIN A DEFINED TIME  
45 PERIOD, TO PERFORM A QUANTIFIED NUMBER OF TASKS OR AT A SPECIFIED

1 PRODUCTIVITY SPEED OR TO HANDLE OR PRODUCE A QUANTIFIED AMOUNT OF MATERIAL  
2 WITHOUT A CERTAIN NUMBER OF ERRORS OR DEFECTS, AS MEASURED AT THE  
3 INDIVIDUAL OR GROUP LEVEL WITHIN A DEFINED TIME PERIOD.

4 (b) AN EMPLOYEE'S ACTIONS ARE CATEGORIZED AND MEASURED BETWEEN TIME  
5 PERFORMING TASKS AND TIME NOT PERFORMING TASKS WITHIN A DAY.

6 (c) AN EMPLOYEE'S PERFORMANCE IS RANKED IN RELATION TO THE  
7 PERFORMANCE OF OTHER EMPLOYEES.

8 10. "WAREHOUSE DISTRIBUTION CENTER" MEANS AN ESTABLISHMENT AS  
9 DEFINED BY ANY OF THE FOLLOWING NORTH AMERICAN INDUSTRY CLASSIFICATION  
10 SYSTEM CODES, HOWEVER THE FOLLOWING ESTABLISHMENTS ARE DENOMINATED:

11 (a) 493 FOR WAREHOUSING AND STORAGE.

12 (b) 423 FOR MERCHANT WHOLESALERS, DURABLE GOODS.

13 (c) 424 FOR MERCHANT WHOLESALERS, NONDURABLE GOODS.

14 (d) 454110 FOR ELECTRONIC SHOPPING AND MAIL ORDER HOUSES.

15 (e) 492110 FOR COURIERS AND EXPRESS DELIVERY SERVICES.

16 23-1452. Employees; quotas; written description; rules

17 A. ON HIRE OR WITHIN THIRTY DAYS OF THE EFFECTIVE DATE OF THIS  
18 SECTION, AN EMPLOYER SHALL PROVIDE EACH EMPLOYEE WITH A WRITTEN  
19 DESCRIPTION OF ALL OF THE FOLLOWING:

20 1. ANY QUOTA TO WHICH THE EMPLOYEE IS SUBJECT, INCLUDING THE  
21 QUANTIFIED NUMBER OF TASKS TO BE PERFORMED OR MATERIALS TO BE PRODUCED OR  
22 HANDLED WITHIN A DEFINED TIME PERIOD.

23 2. ANY POTENTIAL ADVERSE EMPLOYMENT ACTION THAT COULD RESULT FROM  
24 FAILURE TO MEET A QUOTA.

25 3. ANY INCENTIVE OR BONUS PROGRAM THAT IS ASSOCIATED WITH MEETING  
26 OR EXCEEDING A QUOTA.

27 B. IF THERE IS A CHANGE IN QUOTA THAT IS DIFFERENT FROM THE MOST  
28 RECENT QUOTA PROVIDED TO AN EMPLOYEE, THE EMPLOYER SHALL:

29 1. PROMPTLY NOTIFY THE EMPLOYEE VERBALLY AND IN WRITING BEFORE THE  
30 EMPLOYEE IS SUBJECT TO THE NEW QUOTA.

31 2. PROVIDE THE EMPLOYEE WITH AN UPDATED WRITTEN DESCRIPTION OF EACH  
32 QUOTA WITHIN TWO BUSINESS DAYS AFTER THE CHANGE IN QUOTA.

33 C. IF AN EMPLOYER TAKES ADVERSE EMPLOYMENT ACTION AGAINST AN  
34 EMPLOYEE FOR FAILURE TO MEET A QUOTA, THE EMPLOYER SHALL PROVIDE THE  
35 EMPLOYEE WITH THE APPLICABLE QUOTA AND THE EMPLOYEE'S WORK SPEED DATA THAT  
36 WAS THE BASIS FOR THE ADVERSE ACTION.

37 D. THE WRITTEN DESCRIPTION MUST BE DESCRIBED IN PLAIN LANGUAGE  
38 USING UNDERSTANDABLE TERMS IN THE EMPLOYEE'S PREFERRED LANGUAGE.

39 E. THE COMMISSION MAY ADOPT RULES RELATING TO THE WRITTEN  
40 DESCRIPTION PROVIDED IN SUBSECTION D OF THIS SECTION THAT INCLUDES THE  
41 FORMAT, USE OF LANGUAGE AND ACCESSIBILITY REQUIREMENTS.

42 F. AN EMPLOYEE SHALL NOT BE REQUIRED TO MEET A QUOTA THAT:

43 1. HAS NOT BEEN PREVIOUSLY DISCLOSED.

44 2. PREVENTS COMPLIANCE WITH ANY MEAL BREAK, REST PERIOD OR USE OF  
45 BATHROOM LAWS.

1           3. MEASURES TOTAL OUTPUT OVER AN INCREMENT OF TIME THAT IS SHORTER  
2 THAN ONE DAY.

3           4. RANKS EMPLOYEES IN RELATION TO THE PERFORMANCE OF OTHER  
4 EMPLOYEES.

5           G. THE TIME PERIOD CONSIDERED IN A QUOTA, INCLUDING THE TIME  
6 DESIGNATED AS PRODUCTIVE TIME OR TIME ON TASK MUST INCLUDE:

7           1. TIME FOR REST BREAKS AND REASONABLE TIME TO TRAVEL TO DESIGNATED  
8 LOCATIONS FOR REST BREAKS.

9           2. REASONABLE TRAVEL TIME TO ON-SITE DESIGNATED MEAL BREAK  
10 LOCATIONS. MEAL BREAKS ARE NOT CONSIDERED TIME ON TASK OR PRODUCTIVE TIME  
11 UNLESS THE EMPLOYEE IS REQUIRED BY THE EMPLOYER TO REMAIN ON DUTY AT A  
12 PRESCRIBED WORKSITE OR TO REMAIN ON CALL.

13           3. TIME TO PERFORM ANY ACTIVITY REQUIRED BY AN EMPLOYER.

14           4. TIME TO USE THE BATHROOM, INCLUDING REASONABLE TRAVEL TIME.

15           5. TIME TO TAKE ANY ACTIONS NECESSARY FOR THE EMPLOYEE TO EXERCISE  
16 THE EMPLOYEE'S RIGHT TO A SAFE AND HEALTHFUL WORKPLACE, INCLUDING TIME TO  
17 ACCESS TOOLS OR SAFETY EQUIPMENT NECESSARY TO PERFORM THE EMPLOYEE'S  
18 DUTIES.

19           H. AN EMPLOYEE IS NOT REQUIRED TO MEET A QUOTA THAT MEASURES AND  
20 CATEGORIZES INCREMENTS OF TIME FOR AN EMPLOYEE THAT:

21           1. IS PERFORMING MEASURABLE TASKS AND TIME NOT PERFORMING  
22 MEASURABLE TASKS.

23           2. IS ON ANNUAL LEAVE.

24           3. IS ON SICK LEAVE.

25           23-1453. Employment records; retention period

26           A. AN EMPLOYER SHALL ESTABLISH, MAINTAIN AND PRESERVE  
27 CONTEMPORANEOUS TRUE AND ACCURATE RECORDS OF THE FOLLOWING:

28           1. EACH EMPLOYEE'S WORK SPEED DATA.

29           2. THE AGGREGATED DATA ON WORK SPEED FOR SIMILAR EMPLOYEES AT THE  
30 SAME ESTABLISHMENT.

31           3. THE WRITTEN DESCRIPTIONS OF ANY QUOTA THAT WAS PROVIDED TO AN  
32 EMPLOYEE PURSUANT TO SECTION 23-1452.

33           B. THE RECORDS SHALL BE MAINTAINED AND PRESERVED THROUGHOUT THE  
34 DURATION OF EACH EMPLOYEE'S PERIOD OF EMPLOYMENT AND MADE AVAILABLE TO ANY  
35 STATE OR GOVERNMENTAL AGENCY OR THE CURRENT OR FORMER EMPLOYEE ON REQUEST.

36           C. AN EMPLOYER IS REQUIRED TO RETAIN THE EMPLOYMENT RECORDS FOR THE  
37 PREVIOUS SIX MONTHS BEFORE THE DATE OF THE EMPLOYEE'S SEPARATION FROM  
38 EMPLOYMENT. THE EMPLOYER SHALL RETAIN THE RECORDS FOR A MINIMUM OF THREE  
39 YEARS.

40           D. THIS SECTION DOES NOT REQUIRE AN EMPLOYER TO MAINTAIN RECORDS IF  
41 THE EMPLOYER DOES NOT USE A QUOTA SYSTEM OR MONITOR WORK SPEED DATA.

42           23-1454. Joint labor management safety committee meetings;  
43 rules; definition

44           A. EVERY EMPLOYER WITH MORE THAN TWENTY-FIVE EMPLOYEES SHALL  
45 ESTABLISH AND ADMINISTER A JOINT LABOR MANAGEMENT SAFETY COMMITTEE.

1 B. EVERY EMPLOYER WITH FEWER THAN TWENTY-FIVE EMPLOYEES SHALL  
2 ESTABLISH AND ADMINISTER A JOINT LABOR MANAGEMENT SAFETY COMMITTEE IF  
3 EITHER OF THE FOLLOWING APPLIES:

4 1. THE EMPLOYER HAS A LOST WORKDAY INCIDENCE RATE IN THE TOP TEN  
5 PERCENT OF ALL RATES FOR EMPLOYERS IN THE SAME INDUSTRY.

6 2. THE WORKERS' COMPENSATION PREMIUM CLASSIFICATION ASSIGNED TO THE  
7 GREATEST PORTION OF THE PAYROLL FOR THE EMPLOYER HAS A PURE PREMIUM RATE  
8 IN THE TOP TWENTY-FIVE PERCENT OF THE PREMIUM RATES FOR ALL CLASSES AS  
9 REPORTED BY THE WORKERS' COMPENSATION RATING ASSOCIATION.

10 C. A JOINT LABOR MANAGEMENT SAFETY COMMITTEE MEETING MUST BE HELD  
11 REGULARLY UNLESS OTHERWISE PROVIDED IN A COLLECTIVE BARGAINING AGREEMENT.

12 D. JOINT LABOR MANAGEMENT SAFETY COMMITTEE MEMBERS MUST BE SELECTED  
13 BY EMPLOYEES.

14 E. AN EMPLOYER THAT DOES NOT ESTABLISH OR ADMINISTER A JOINT LABOR  
15 MANAGEMENT SAFETY COMMITTEE IS IN VIOLATION OF THIS ARTICLE.

16 F. THE COMMISSIONER MAY ADOPT RULES TO EFFECTUATE THIS SECTION.

17 G. FOR THE PURPOSES OF THIS SECTION, "JOINT LABOR MANAGEMENT SAFETY  
18 COMMITTEE MEETING" MEANS A REGULARLY SCHEDULED MEETING OF COMMITTEE  
19 MEMBERS TO DISCUSS AND EVALUATE ANY OF THE FOLLOWING:

20 1. ISSUES THAT HAVE BEEN BROUGHT TO THE ATTENTION OF THE COMMITTEE.

21 2. SAFETY INCIDENTS OR INJURIES.

22 3. RECOMMENDATIONS TO PREVENT FURTHER SAFETY INCIDENTS OR INJURIES.

23 23-1455. Employment records; right to request; time to  
24 produce

25 A. AN EMPLOYER SHALL PROMPTLY PROVIDE THE FOLLOWING INFORMATION ON  
26 REQUEST FROM A CURRENT EMPLOYEE OR THE DESIGNATED EMPLOYEE'S  
27 REPRESENTATIVE:

28 1. A WRITTEN DESCRIPTION OF EACH QUOTA TO WHICH THE EMPLOYEE IS  
29 SUBJECT TO WITHIN TWO BUSINESS DAYS AFTER RECEIPT OF THE REQUEST.

30 2. A COPY OF THE EMPLOYEE'S WORK SPEED DATA WITHIN SEVEN BUSINESS  
31 DAYS AFTER RECEIPT OF THE REQUEST.

32 3. A COPY OF THE PRIOR SIX MONTHS OF AGGREGATED DATA ON WORK SPEED  
33 FOR SIMILAR EMPLOYEES AT THE SAME ESTABLISHMENT WITHIN A REASONABLE PERIOD  
34 OF TIME BASED ON THE SCOPE OF THE REQUEST.

35 B. AN EMPLOYER SHALL PROMPTLY PROVIDE THE FOLLOWING INFORMATION ON  
36 REQUEST OF A FORMER EMPLOYEE OR THE DESIGNATED EMPLOYEE'S REPRESENTATIVE:

37 1. A WRITTEN DESCRIPTION OF THE QUOTA TO WHICH AN EMPLOYEE WAS  
38 SUBJECT TO AS OF THE DATE OF THE EMPLOYEE'S SEPARATION WITHIN TWO BUSINESS  
39 DAYS AFTER RECEIPT OF THE REQUEST.

40 2. A COPY OF THE EMPLOYEE'S WORK SPEED DATA FOR THE SIX MONTHS  
41 BEFORE THE EMPLOYEE'S DATE OF SEPARATION WITHIN SEVEN BUSINESS DAYS AFTER  
42 RECEIPT OF THE REQUEST.

43 3. A COPY OF AGGREGATED DATA ON WORK SPEED FOR SIMILAR EMPLOYEES AT  
44 THE SAME ESTABLISHMENT FOR SIX MONTHS BEFORE THE OTHER EMPLOYEES' DATE OF

1 SEPARATION WITHIN A REASONABLE PERIOD OF TIME BASED ON THE SCOPE OF THE  
2 REQUEST.

3 C. THIS SECTION DOES NOT REQUIRE AN EMPLOYER TO USE QUOTAS AS  
4 DESCRIBED IN THIS SECTION OR TO MONITOR WORK SPEED DATA. AN EMPLOYER THAT  
5 DOES NOT USE QUOTAS OR DOES NOT MONITOR WORK SPEED DATA HAS NO OBLIGATION  
6 TO PROVIDE THE DATA.

7 23-1456. Unlawful retaliation; rebuttable presumption

8 A. AN EMPLOYER SHALL NOT RETALIATE, DISCRIMINATE OR TAKE ADVERSE  
9 ACTION AGAINST A CURRENT OR FORMER EMPLOYEE FOR REQUESTING INFORMATION  
10 ABOUT A QUOTA OR THE EMPLOYEE'S WORK SPEED DATA OR FOR FILING A COMPLAINT  
11 BASED ON THIS ARTICLE. AN EMPLOYEE DOES NOT NEED TO REFER TO THIS ARTICLE  
12 IN ORDER TO BE PROTECTED FROM ANY ADVERSE ACTION.

13 B. THIS SECTION APPLIES TO CURRENT AND FORMER EMPLOYEES AND CURRENT  
14 AND FORMER EMPLOYEES WHO MISTAKENLY, BUT IN GOOD FAITH, ALLEGE VIOLATIONS  
15 OF THIS SECTION.

16 C. IF AN EMPLOYER TAKES ADVERSE ACTION AGAINST AN EMPLOYEE WITHIN  
17 NINETY DAYS AFTER THE EMPLOYEE'S ENGAGING OR ATTEMPTING TO ENGAGE IN  
18 ACTIVITIES PROTECTED BY THIS ARTICLE, SUCH CONDUCT SHALL RAISE A  
19 REBUTTABLE PRESUMPTION THAT THE ACTION IS ADVERSE IN VIOLATION OF THIS  
20 SECTION. THE PRESUMPTION MAY BE REBUTTED BY CLEAR AND CONVINCING EVIDENCE  
21 THAT:

- 22 1. THE ACTION WAS TAKEN FOR OTHER PERMISSIBLE REASONS.
- 23 2. ENGAGING OR ATTEMPTING TO ENGAGE IN ACTIVITIES PROTECTED BY THIS  
24 ARTICLE WAS NOT A MOTIVATING FACTOR IN THE ADVERSE ACTION.

25 23-1457. Enforcement; commission; annual report; rules

26 A. THE COMMISSION:

- 27 1. SHALL ADOPT RULES AS NECESSARY TO CARRY OUT THIS ARTICLE.
- 28 2. MAY ENFORCE THIS ARTICLE.
- 29 3. SHALL ASSESS CIVIL PENALTIES.
- 30 4. MAY ESTABLISH COMMITTEES, AS NECESSARY.

31 B. ON OR BEFORE JANUARY 1, 2025, THE COMMISSION SHALL SUBMIT AN  
32 ANNUAL REPORT TO THE GOVERNOR, THE PRESIDENT OF THE SENATE AND THE SPEAKER  
33 OF THE HOUSE OF REPRESENTATIVES AND SHALL PROVIDE A COPY OF THIS REPORT TO  
34 THE SECRETARY OF STATE THAT SHALL INCLUDE ALL OF THE FOLLOWING:

- 35 1. THE NUMBER OF CLAIMS FILED WITH THE COMMISSION PURSUANT TO THIS  
36 ARTICLE.
- 37 2. THE NUMBER OF WAREHOUSES THAT HAVE REPORTED AN ANNUAL NUMBER OF  
38 EMPLOYEE INJURIES THAT ARE ABOVE THE INDUSTRY AVERAGE AND RELATED TO  
39 QUOTAS.
- 40 3. THE NUMBER OF INVESTIGATIONS UNDERTAKEN AND ENFORCEMENT ACTIONS  
41 INITIATED, PER EMPLOYER.

42 C. BASED ON THE DATA THAT IS REPORTED TO THE UNITED STATES  
43 OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION, IF A WORKSITE OR EMPLOYER  
44 IS FOUND TO HAVE AN EMPLOYEE INCIDENCE RATE OF OCCUPATIONAL INJURIES AND  
45 ILLNESSES THAT IS AT LEAST THIRTY PERCENT HIGHER THAN THAT YEAR'S AVERAGE

1 INCIDENCE RATE FOR THE RELEVANT NORTH AMERICAN INDUSTRY CLASSIFICATION  
2 SYSTEM CODES, THE COMMISSIONER SHALL OPEN AN INVESTIGATION UNDER THIS  
3 SECTION. THE EMPLOYER MUST HOLD MONTHLY JOINT LABOR MANAGEMENT SAFETY  
4 COMMITTEE MEETINGS AS PROVIDED IN SECTION 23-1454 FOR TWO CONSECUTIVE  
5 YEARS OR UNTIL THE WORKSITE OR EMPLOYER DOES NOT HAVE AN EMPLOYEE  
6 INCIDENCE RATE OF OCCUPATIONAL INJURIES AND ILLNESSES THAT IS THIRTY  
7 PERCENT HIGHER THAN THE AVERAGE YEARLY INCIDENCE RATE FOR THE RELEVANT  
8 NORTH AMERICAN INDUSTRY CLASSIFICATION SYSTEM CODES.

9 D. IN ANY SUCCESSFUL ACTION BROUGHT BY THE COMMISSION TO ENFORCE  
10 THIS ARTICLE, THE COURT MAY GRANT INJUNCTIVE RELIEF AND DAMAGES IN ORDER  
11 TO OBTAIN COMPLIANCE AND SHALL AWARD COSTS AND REASONABLE ATTORNEY FEES.

12 E. A CURRENT OR FORMER EMPLOYEE OR A CURRENT OR FORMER EMPLOYEE'S  
13 DESIGNATED REPRESENTATIVE MAY BRING AN ACTION FOR INJUNCTIVE RELIEF AND  
14 DAMAGES TO OBTAIN COMPLIANCE WITH THIS ARTICLE AND MAY RECOVER COSTS AND  
15 REASONABLE ATTORNEY FEES ON PREVAILING IN THE PRIVATE RIGHT OF ACTION.

16 F. IN ANY ACTION INVOLVING A QUOTA THAT PREVENTED COMPLIANCE WITH  
17 WORKPLACE HEALTH AND SAFETY REGULATIONS OR MEAL OR REST BREAKS, THE  
18 INJUNCTIVE RELIEF IS LIMITED TO:

19 1. THE SUSPENSION OF THE QUOTA.

20 2. RESTITUTION DAMAGES.

21 3. RELIEF THAT ADDRESSES ANY RETALIATION OR OTHER ADVERSE ACTION  
22 TAKEN BY THE EMPLOYER.

23 G. A CURRENT OR FORMER EMPLOYEE OR A CURRENT OR FORMER EMPLOYEE'S  
24 DESIGNATED REPRESENTATIVE MAY BE AWARDED DAMAGES EQUAL TO THE GREATER OF  
25 \$10,000 OR THREE TIMES THE AMOUNT OF ACTUAL DAMAGES, INCLUDING UNPAID  
26 WAGES AND BENEFITS IN ACTIONS INVOLVING RETALIATION.

27 23-1458. Attorney general; commission; enforcement; penalty

28 A. THE ATTORNEY GENERAL AND THE COMMISSION MAY ENFORCE THIS  
29 SECTION.

30 B. THE COURT MAY:

31 1. IMPOSE A PENALTY ON AN EMPLOYER FOR FAILURE TO DISCLOSE A QUOTA  
32 OR PERSONAL SPEED DATA IN COMPLIANCE WITH THIS ARTICLE. THE PENALTY SHALL  
33 BE A MINIMUM OF \$100 PER EMPLOYEE PER PAY PERIOD IN WHICH AN EMPLOYEE WAS  
34 REQUIRED TO WORK WITHOUT A DISCLOSED QUOTA OR PERSONAL SPEED DATA.

35 2. REQUIRE EMPLOYERS TO CONSPICUOUSLY POST IN THE WORKPLACE THE  
36 FOLLOWING INFORMATION:

37 (a) WORKER'S RIGHTS UNDER THIS ARTICLE.

38 (b) THE QUOTA REQUIREMENTS PER JOB.

39 (c) AN EMPLOYEE'S RIGHT TO REQUEST A WRITTEN DESCRIPTION OF A QUOTA  
40 OR WORK SPEED DATA.

41 (d) HOW TO FILE A COMPLAINT WITH THE COMMISSION AND THE ATTORNEY  
42 GENERAL'S OFFICE.