S 1687

Payroll Fraud Prevention Act of 2013

Congress: 113 (2013–2015, Ended)
Chamber: Senate
Policy Area: Labor and Employment
Introduced: Nov 12, 2013
Current Status: Read twice and referred to the Committee on Health, Education, Labor, and Pensions.
Latest Action: Read twice and referred to the Committee on Health, Education, Labor, and Pensions. (Nov 12, 2013)
Official Text: https://www.congress.gov/bill/113th-congress/senate-bill/1687

Sponsor

Name: Sen. Casey, Robert P., Jr. [D-PA]
Party: Democratic • **State:** PA • **Chamber:** Senate

Cosponsors (6 total)

Cosponsor	Party / State	Role	Date Joined
Sen. Brown, Sherrod [D-OH]	D · OH		Nov 12, 2013
Sen. Franken, Al [D-MN]	D · MN		Nov 12, 2013
Sen. Harkin, Tom [D-IA]	D · IA		Nov 12, 2013
Sen. Blumenthal, Richard [D-CT]	D · CT		Nov 18, 2013
Sen. Warren, Elizabeth [D-MA]	D · MA		Nov 18, 2013
Sen. Merkley, Jeff [D-OR]	D · OR		Jan 29, 2014

Committee Activity

Committee	Chamber	Activity	Date
Health, Education, Labor, and Pensions Committee	Senate	Referred To	Nov 12, 2013

Subjects & Policy Tags

Policy Area:

Labor and Employment

Related Bills

Bill	Relationship	Last Action
113 HR 4611	Related bill	**Jun 13, 2014:** Referred to the Subcommittee on Workforce Protections.

Summary (as of Nov 12, 2013)

Payroll Fraud Prevention Act of 2013- Amends the Fair Labor Standards Act of 1938 (FLSA) to require every person (including every employer and enterprise) that employs an employee or non-employee who performs labor or services, including through an entity such as a trust, estate, partnership, association, company, or corporation, to: (1) classify such individuals accurately as employees or non-employees; and (2) notify each new employee and new non-employee of his or her classification as an employee or non-employee, together with information concerning their legal rights.

Makes it unlawful for any person to: (1) discharge or otherwise discriminate against an individual (including an employee) who has opposed any practice, or filed a complaint or instituted any proceeding related to this Act, including with respect to an individual's status as an employee or non-employee; and (2) wrongly classify an employee as a non-employee.

Doubles the amount of liquidated damages for maximum hours, minimum wage, and notice of classification violations by an employer. Subjects a person who: (1) violates such requirements (including recordkeeping requirements) to a civil penalty of up to $1,100; or (2) repeatedly or willfully violates such requirements to a civil penalty of up to $5,000 for each violation.

Directs the Secretary of Labor to establish a single webpage on the Department of Labor website that summarizes the rights of employees and non-employees under the FLSA and this Act.

Amends the Social Security Act to require, as a condition for a federal grant for the administration of state unemployment compensation, for the state's unemployment compensation law to include a provision for: (1) auditing programs that identify employers that have not registered under the state law or that are paying unreported compensation where the effect is to exclude employees from unemployment compensation coverage, and (2) establishing administrative penalties for misclassifying employees or paying unreported unemployment compensation to employees.

Requires any office, administration, or division of the Department of Labor to report any misclassification of an employee by a person subject to the FLSA that it discovers to the Department's Wage and Hour Division (WHD). Authorizes the WHD to report such information to the Internal Revenue Service (IRS).

Actions Timeline

- **Nov 12, 2013:** Introduced in Senate
- **Nov 12, 2013:** Read twice and referred to the Committee on Health, Education, Labor, and Pensions.