

immediately available to the employee at the time of the illness, and is equal to or greater in amount than the protection required by this section is deemed to have satisfied all of the obligations imposed by this section.

5. Relationship to collective bargaining. This section applies to employees covered by a collective bargaining agreement unless the agreement provides uncompensated or compensate leave that may be used without penalty for reasons consistent with this section and that are immediately available to the employee at the time of the illness and are equal to or greater than those provided in this section.

6. Enforcement. A civil action may be brought in the appropriate court by an employee against an employer to enforce this section.

A. The court may enjoin any act or practice that violates or may violate this section and may order any other equitable relief that is necessary and appropriate to redress the violation or to enforce this section. The court also may:

(1) Award damages equal to the wages, salary, employment benefits or other compensation denied or lost to the employee by reason of the violation; or

(2) Order the employer to pay liquidated damages of \$100 to the employee for each day that the violation continued.

B. The court also may order the employer to pay an additional amount as liquidated damages equal to the amount awarded under subsection 1 if the employee proves to the satisfaction of the court that the employer's violation was willful.

C. In any action brought pursuant to this section, in addition to any judgment awarded to the employee, the court shall award reasonable attorney's fees and other costs of the action to be paid by the employer.

7. Rules. The Department of Labor shall adopt rules to implement and enforce the provisions of this section. Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.