

**875—35.5(91A) Legal action on wage claims.**

**35.5(1) *Settlement opportunity.*** The commissioner shall, in writing, afford the employer an opportunity to tender settlement 14 days prior to commencing a legal action.

**35.5(2) *Standard of conduct.*** Upon commencing a legal action, the commissioner shall be bound by the standard of conduct required by the code of professional responsibility for lawyers.

**35.5(3) *Counterclaims.*** The commissioner shall not represent claimants on counterclaims or other legal actions brought by employers against claimants.

**35.5(4) *Relief requested.*** The commissioner may request liquidated damages, interest, attorneys' fees, and court costs in addition to wages due.

**35.5(5) *Claimant participation.*** The commissioner may require the claimant to attend hearings and otherwise assist in the legal action as a condition of the commissioner's enforcing the claim.