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HOUSE BILL 2433

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State of Washington

52nd Legislature

1992 Regular Session

By Representatives Prentice, Heavey, G. Cole, Franklin, R. King and Jones

Read first time 01/16/92. Referred to Committee on Commerce & Labor.

1 AN ACT Relating to payment of wages; amending RCW 49.48.010; adding  
2 new sections to chapter 49.48 RCW; and prescribing penalties.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

4 **Sec. 1.** RCW 49.48.010 and 1971 ex.s. c 55 s 1 are each amended to  
5 read as follows:

6 (1)(a) Unless otherwise provided in this subsection, when any  
7 employee ((shall)) ceases to work for an employer, whether by discharge  
8 or by voluntary withdrawal, the wages due ((him)) the employee on  
9 account of his or her employment shall be paid to him or her at the end  
10 of the established pay period((:—PROVIDED, HOWEVER)), except that  
11 ((this paragraph shall)) for agricultural employees, as defined in RCW  
12 19.30.010(5), the wages shall be paid within twenty-four hours after  
13 the employment ceases.

1        (b) This subsection does not apply when workers are engaged in an  
2 employment that normally involves working for several employers in the  
3 same industry interchangeably, and the several employers or some of  
4 them cooperate to establish a plan for the weekly payment of wages at  
5 a central place or places and in accordance with a unified schedule of  
6 paydays providing for at least one payday each week; but this  
7 subsection shall not apply to any such plan until ten days after notice  
8 of their intention to set up such a plan shall have been given to the  
9 director of labor and industries by the employers who cooperate to  
10 establish the plan; and having once been established, no such plan can  
11 be abandoned except after notice of their intention to abandon such  
12 plan has been given to the director of labor and industries by the  
13 employers intending to abandon the plan(~~(:—PROVIDED FURTHER, That)~~).

14        (c) The duty to pay an employee ((~~forthwith~~)) as provided in (a) of  
15 this subsection shall not apply if the labor-management agreement under  
16 which the employee has been employed provides otherwise.

17        (2) It shall be unlawful for any employer to withhold or divert any  
18 portion of an employee's wages unless the deduction is:

19        ~~((1))~~ (a) Required by state or federal law; or

20        ~~((2))~~ (b) Specifically agreed upon orally or in writing by the  
21 employee and employer; or

22        ~~((3))~~ (c) For medical, surgical or hospital care or service,  
23 pursuant to any rule or regulation(~~(:—PROVIDED, HOWEVER, That)~~), if  
24 the deduction is openly, clearly, and in due course recorded in the  
25 employer's books and records.

26        ~~((Paragraph \*three of))~~ This ((section)) subsection shall not be  
27 construed to affect the right of any employer or former employer to sue  
28 upon or collect any debt owed to said employer or former employer by  
29 his or her employees or former employees.

1        NEW SECTION.    **Sec. 2.**    A new section is added to chapter 49.48 RCW  
2 to read as follows:

3        (1) If an employer willfully fails to pay an employee's wages or  
4 compensation when the employee's employment ceases, as required under  
5 RCW 49.48.010, then, as a penalty for that nonpayment, the employee's  
6 wages or compensation shall continue from the due date specified under  
7 RCW 49.48.010 at the same rate until paid, for no more than thirty  
8 days. This remedy is in addition to any remedy provided under RCW  
9 49.52.070.

10       (2) As used in this section, "willfully" means that the person  
11 knows what he or she is doing, intends to do what he or she is doing,  
12 and is a free agent.

13       NEW SECTION.    **Sec. 3.**    A new section is added to chapter 49.48 RCW  
14 to read as follows:

15       If an employer and an employee dispute the wages owed, the employer  
16 shall pay, without condition and within the time period specified under  
17 RCW 49.48.010, all wages conceded by the employer to be due, and  
18 acceptance of the payment of wages conceded to be due shall not affect  
19 any other remedies that the employee might have with respect to the  
20 balance of wages claimed by the employee.