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SENATE BILL 5840

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State of Washington                      62nd Legislature                      2011 Regular Session

By Senators Baxter, Benton, Stevens, Swecker, Hewitt, Schoesler, Honeyford, Parlette, and King

Read first time 02/21/11. Referred to Committee on Labor, Commerce & Consumer Protection.

1            AN ACT Relating to minimum wage and overtime compensation  
2 complaints; and adding a new section to chapter 49.46 RCW.

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

4            NEW SECTION.    **Sec. 1.** A new section is added to chapter 49.46 RCW  
5 to read as follows:

6            (1) In any action based on any act or omission occurring on or  
7 after the effective date of this section, an employer is not subject to  
8 liability or penalty for the failure of the employer to pay minimum  
9 wages or overtime compensation under this title if the employer  
10 establishes that the act or omission complained of was in good faith  
11 conformity with and reliance on:

- 12            (a) A rule related to any wage payment requirement;  
13            (b) A written order, ruling, approval, opinion, advice,  
14 determination, or interpretation of the director; or  
15            (c) An interpretive or administrative policy issued by the  
16 department.

17            (2) The defense described in subsection (1) of this section, if  
18 established, is a bar to the action, notwithstanding that after the act  
19 or omission, the order, ruling, approval, opinion, advice,

1 determination, or interpretation, or interpretive or administrative  
2 policy of the department is modified or rescinded or is determined by  
3 judicial authority to be invalid or of no legal effect.

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