Chapter 49.48 RCW
WAGES—PAYMENT—COLLECTION

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RCW 49.48.010 Payment of wages/nonsufficient funds—Employer must reimburse employee for fees charged—Exception—Payment of wages due to employee ceasing work to be at end of pay period—Exceptions—Authorized deductions or withholdings. (1)(a) When any employer pays an employee's wages with any instrument defined by RCW 62A.3-104 that is subsequently returned for nonsufficient funds, the employer shall reimburse the employee for a fee charged by the employee's financial institution for the dishonored instrument so long as the employee presents the instrument within 30 days of its receipt.

(b) The employer shall not be liable to reimburse any fees incurred by the employee if the employer presents written confirmation by the employer's financial institution that the instrument was returned for nonsufficient funds due to an error.

(2) When any employee shall cease to work for an employer, whether by discharge or by voluntary withdrawal, the wages due him or her on account of his or her employment shall be paid to him or her at the end of the established pay period: PROVIDED, HOWEVER, That this subsection shall not apply when workers are engaged in an employment that normally involves working for several employers in the same industry interchangeably, and the several employers or some of them cooperate to establish a plan for the weekly payment of wages at a central place or places and in accordance with a unified schedule of paydays providing for at least one payday each week; but this subsection shall not apply to any such plan until ten days after notice of their intention to set up such a plan shall have been given to the director of labor and industries by the employers who cooperate to establish the plan; and having once been established, no such plan can be abandoned except after notice of their intention to abandon such plan has been given to the director of labor and industries by the employers intending to abandon the plan: PROVIDED FURTHER, That the duty to pay an employee forthwith shall not apply if the labor-management agreement under which the employee has been employed provides otherwise.

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

(a) Required by state or federal law; or

(b) Except as prohibited under RCW 49.48.160, specifically agreed upon orally or in writing by the employee and employer; or

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

(4) Subsection (3) of this section shall not be construed to affect the right of any employer or former employer to sue upon or collect any debt owed to said employer or former employer by his or her employees or former employees. [2022 c 28 s 1; 2020 c 84 s 3; 2010 c 8 s 12047; 1971 ex.s. c 55 s 1; 1947 c 181 s 1; 1905 c 112 s 1; 1888 c 128 s 1; Rem. Supp. 1947 s 7594.]

Saving—1888 c 128: "This act is not to be construed as affecting any bona fide contract heretofore entered into contrary to its provisions and existing at the date of the passage hereof, and continuing by reason of limitation of said contract being still in force." [1888 c 128 s 4; no RRS.]

Effective date—1888 c 128: "This act is to take effect on and after its approval." [1888 c 128 s 5; no RRS.]

General repealer—1888 c 128: "All laws or parts of laws in conflict with this act be and the same are hereby repealed." [1888 c 128 s 6; no RRS.]

The foregoing annotations apply to RCW 49.48.010 through 49.48.030.

RCW 49.48.020 Penalty for noncompliance with RCW 49.48.010 through 49.48.030 and 49.48.060. Any person, firm, or corporation which violates any of the provisions of RCW 49.48.010 through 49.48.030 and 49.48.060 shall be guilty of a misdemeanor. [1971 ex.s. c 55 s 2; 1933 ex.s. c 20 s 1; 1888 c 128 s 2; RRS s 7595.]

Wages—Deductions—Rebates, authorized withholding: RCW 49.52.060.

RCW 49.48.030 Attorney's fee in action on wages—Exception. In any action in which any person is successful in recovering judgment for wages or salary owed to him or her, reasonable attorney's fees, in an amount to be determined by the court, shall be assessed against said employer or former employer: PROVIDED, HOWEVER, That this section shall not apply if the amount of recovery is less than or equal to the amount admitted by the employer to be owing for said wages or salary. [2010 c 8 s 12048; 1971 ex.s. c 55 s 3; 1888 c 128 s 3; RRS s 7596.]

RCW 49.48.040 Enforcement of wage claims—Issuance of subpoenas—Compliance. (1) The department of labor and industries may:

(a) Upon obtaining information indicating an employer may be committing a violation under this chapter and chapters 39.12 and 49.46 RCW and associated rules, conduct investigations to ensure compliance with this chapter and chapters 39.12 and 49.46 RCW and associated rules;

(b) Order the payment of all amounts owed the workers under this chapter and chapters 39.12 and 49.46 RCW, and associated rules and institute actions necessary for the collection of the amounts determined owed; and

(c) Take assignments of claims under this chapter and chapters 39.12 and 49.46 RCW, and associated rules and prosecute actions for the collection of amounts owed of persons who are financially unable to employ counsel when in the judgment of the director of the department the claims are valid and enforceable in the courts.

(2) When the department orders the payment of all amounts owed under subsection (1)(b) of this section in an administrative order, including interest of one percent per month on all wages owed, the department may also assess penalties under RCW 49.48.083(3). The

amounts and interest owed must be calculated from the first date amounts were owed to the employee, except that the department may not order the employer to pay any amounts and interest that were owed more than three years before the date the department obtained information indicating an employer may have committed violations under this chapter and chapters 39.12 and 49.46 RCW or associated rules. Appeals to administrative orders issued under this section are conducted pursuant to RCW 49.48.084. Collections of the administrative orders issued under this section are conducted pursuant to RCW 49.48.086.

(3) The director of the department or any authorized representative may, for the purpose of carrying out RCW 49.48.040 through 49.48.080: (a) Issue subpoenas to compel the attendance of witnesses or parties and the production of books, papers, or records; (b) administer oaths and examine witnesses under oath; (c) take the verification of proof of instruments of writing; and (d) take depositions and affidavits. If assignments for wage claims are taken, court costs shall not be payable by the department for prosecuting such suits.

(4) The director shall have a seal inscribed "Department of Labor and Industries—State of Washington" and all courts shall take judicial notice of such seal. Obedience to subpoenas issued by the director or authorized representative shall be enforced by the courts in any county.

(5) The director or authorized representative shall have free access to all places and works of labor. Any employer or any agent or employee of such employer who refuses the director or authorized representative admission therein, or who, when requested by the director or authorized representative, willfully neglects or refuses to furnish the director or authorized representative any statistics or information pertaining to his or her lawful duties, which statistics or information may be in his or her possession or under the control of the employer or agent, shall be guilty of a misdemeanor. [2026 c 176 s 1; 1987 c 172 s 1; 1935 c 96 s 1; RRS s 7596-1.]

RCW 49.48.050 Remedy cumulative. Nothing herein contained shall be construed to limit the authority of the prosecuting attorney of any county to prosecute actions, both civil and criminal, for such violations of RCW 49.48.040 through 49.48.080 as may come to his or her knowledge, or to enforce the provisions hereof independently and without specific direction of the director of labor and industries. [2010 c 8 s 12049; 1935 c 96 s 2; RRS s 7596-2.]

RCW 49.48.060 Director may require bond after assignment of wage claims or receipt of a wage complaint—Court action—Penalty for failure to pay wage claim. (1) If upon investigation by the director, after taking assignments of any wage claim under RCW 49.48.040 or after receiving a wage complaint as defined in RCW 49.48.082 from an employee, it appears to the director that the employer is representing to his or her employees that he or she is able to pay wages for their services and that the employees are not being paid for their services, the director may require the employer to give a bond in such sum as the director deems reasonable and adequate in the circumstances, with sufficient surety, conditioned that the employer will for a definite future period not exceeding six months conduct his or her business and

pay his or her employees in accordance with the laws of the state of Washington.

(2) If within 10 days after demand for such bond the employer fails to provide the same, the director may commence a suit against the employer in the superior court of appropriate jurisdiction to compel him or her to furnish such bond or cease doing business until he or she has done so. The employer shall have the burden of proving the amount thereof to be excessive.

(3) If the court finds that there is just cause for requiring such bond and that the same is reasonable, necessary, or appropriate to secure the prompt payment of the wages of the employees of such employer and his or her compliance with one or more wage payment requirements as defined in RCW 49.48.082, the court shall enjoin such employer from doing business in this state until the requirement is met, or shall make other, and may make further, orders appropriate to compel compliance with the requirement.

(4) Upon being informed of a wage claim against an employer or former employer, the director shall, if such claim appears to be just, immediately notify the employer or former employer, of such claim using an electronic or nonelectronic method. Before using an electronic method for the first time under this subsection, the department must provide the employer or the former employer the option to receive communication through a nonelectronic method. If the employer or former employer fails to pay the claim or make satisfactory explanation to the director of his or her failure to do so, within 30 days thereafter, the employer or former employer shall be liable to a penalty of 10 percent of that portion of the claim found to be justly due. The director shall have a cause of action against the employer or former employer for the recovery of such penalty, and the same may be included in any subsequent action by the director on said wage claim, or may be exercised separately after adjustment of such wage claim without court action. This subsection does not apply to wage complaints made under RCW 49.48.083. [2026 c 77 s 21. Prior: 2010 c 42 s 5; 2010 c 8 s 12050; 1971 ex.s. c 55 s 4; 1935 c 96 s 3; RRS s 7596-3.]

RCW 49.48.070 Enforcement. It shall be the duty of the director of labor and industries to inquire diligently for any violations of RCW 49.48.040 through 49.48.080, and to institute the actions for penalties herein provided, and to enforce generally the provisions of RCW 49.48.040 through 49.48.080. [1935 c 96 s 4; RRS s 7596-4.]

RCW 49.48.075 Reciprocal enforcement agreements with other states. (1) The director of labor and industries, or the director's designee, may enter into reciprocal agreements with the labor department or corresponding agency of any other state or with the person, board, officer, or commission authorized to act on behalf of such department or agency, for the collection in such other states of claims or judgments for wages and other demands based upon claims assigned to the director.

(2) The director, or the director's designee, may, to the extent provided for by any reciprocal agreement entered into by law or with an agency of another state as herein provided, maintain actions in the courts of such other state for the collection of claims for wages, judgments, and other demands and may assign such claims, judgments,

and demands to the labor department or agency of such other state for collection to the extent that such an assignment may be permitted or provided for by the law of such state or reciprocal agreement.

(3) The director, or the director's designee, may, upon the written consent of the labor department or corresponding agency of any other state or of the person, board, officer, or commission of such state authorized to act on behalf of such labor department or corresponding agency, maintain actions in the courts of Washington upon assigned claims for wages, judgments, and demands arising in such other state in the same manner and to the same extent that such actions by the director are authorized when arising in Washington. Such actions may be maintained only in cases where such other state by law or reciprocal agreement extends a like comity to cases arising in Washington. [1985 c 48 s 1.]

RCW 49.48.080 Public employees excluded. Nothing in RCW 49.48.040 through 49.48.080 shall apply to the payment of wages or compensation of employees directly employed by any county, incorporated city or town, or other municipal corporation. Nor shall anything herein apply to employees, directly employed by the state, any department, bureau, office, board, commission or institution hereof. [1935 c 96 s 5; RRS s 7596-5.]

RCW 49.48.082 Wage complaints—Definitions. The definitions in this section apply throughout this section and RCW 49.48.083 through 49.48.086:

(1) "Citation" means a written determination by the department that a wage payment requirement has been violated.

(2) "Department" means the department of labor and industries.

(3) "Determination of compliance" means a written determination by the department that wage payment requirements have not been violated.

(4) "Director" means the director of the department of labor and industries, or the director's authorized representative.

(5) "Employee" has the meaning provided in: (a) RCW 49.46.010 for purposes of a wage payment requirement set forth in RCW 49.46.020 or 49.46.130; and (b) RCW 49.12.005 for purposes of a wage payment requirement set forth in RCW 49.48.010, 49.52.050, or 49.52.060.

(6) "Employer" has the meaning provided in RCW 49.46.010 for purposes of a wage payment requirement set forth in RCW 49.46.020, 49.46.130, 49.48.010, 49.52.050, or 49.52.060.

(7) "Notice of assessment" means a written notice by the department that, based on a citation, the employer shall pay the amounts assessed under RCW 49.48.083.

(8) "Repeat willful violator" means any employer that has been the subject of a final and binding citation and notice of assessment for a willful violation of a wage payment requirement within three years of the date of issue of the most recent citation and notice of assessment for a willful violation of a wage payment requirement.

(9) "Successor" means any person to whom an employer quitting, selling out, exchanging, or disposing of a business sells or otherwise conveys in bulk and not in the ordinary course of the employer's business, more than 50 percent of the property, whether real or personal, tangible or intangible, of the employer's business.

(10) "Wage" has the meaning provided in RCW 49.46.010.

(11) "Wage complaint" means a complaint from an employee to the department that asserts that an employer has violated one or more wage payment requirements and that is reduced to writing.

(12) "Wage payment requirement" means a wage payment requirement set forth in RCW 49.46.020, 49.46.130, 49.48.010, 49.52.050, 49.52.060, or 49.46.380, and any related rules adopted by the department.

(13) "Willful" means a knowing and intentional action that is neither accidental nor the result of a bona fide dispute, as evaluated under the standards applicable to wage payment violations under RCW 49.52.050(2). [2025 c 316 s 305. Prior: 2010 c 42 s 1; 2006 c 89 s 1.]

Captions not law—2006 c 89: "Captions used in this act are not any part of the law." [2006 c 89 s 8.]

RCW 49.48.083 Wage complaints—Duty of department to investigate—Citations and notices of assessment—Civil penalties *(as amended by 2026 c 53)*. (1)(a) If an employee files a wage complaint with the department, the department ((~~shall~~)) may investigate the wage complaint. In determining which complaints will be investigated, the department must establish a written process by which wage complaints will be prioritized based on factors including, but not limited to, the harm to the affected employee, the severity of the complaint, the number of employees potentially affected, and the probability of retaliation. The department's enforcement priorities must be made publicly available.

(b) Unless otherwise resolved, when the department accepts a complaint, the department shall issue either a citation and notice of assessment or a determination of compliance no later than 60 days after the date on which the department ((~~received~~)) accepted the wage complaint. The department may extend the time period by providing advance written notice to the employee and the employer setting forth good cause for an extension of the time period and specifying the duration of the extension.

(c) The department may not investigate any alleged violation of a wage payment requirement that occurred more than three years before the date that the employee filed the wage complaint.

(d) The department shall send the citation and notice of assessment or the determination of compliance to both the employer and the employee by service of process or using a method by which the mailing can be tracked or the delivery can be confirmed to their last known addresses.

(e) During an investigation, if the department discovers information suggesting additional violations of any requirements related to compensation under this chapter, or any associated rule, the department may expand its investigation and take appropriate enforcement action to ensure compliance, without any additional complaints filed. The department may also initiate an investigation on behalf of one or more employees for a violation of any requirement related to compensation under this chapter or any associated rule, when the department has reason to believe a violation has occurred or will occur.

(f) The department may conduct a consolidated investigation for any alleged violation of a requirement related to compensation under this chapter or associated rule when there are common questions of law or fact involving employees of the same employer.

(2) If the department determines that an employer has violated a wage payment requirement and issues to the employer a citation and notice of assessment, the department may order the employer to pay employees all wages owed, including interest of one percent per month on all wages owed, to the employee. The wages and interest owed must be calculated from the first date wages were owed to the employee, except that the department may not order the employer to pay any wages and interest that were owed more than three years before the date the wage complaint was filed with the department.

(3) If the department determines that the violation of the wage payment requirement was a willful violation, the department also may order the employer to pay the department a civil penalty as specified in (a) of this subsection. The department shall assess a civil penalty against any repeat willful violator or any willful violator where the employer previously settled or otherwise resolved a wage complaint more than once in the preceding 12 months or three times in the preceding 24 months.

(a)(i) A civil penalty for a willful violation of a wage payment requirement shall be not less than ((~~one thousand dollars~~)) $1,500 or an amount equal to ((~~ten~~)) 10 percent of the total amount of unpaid wages, whichever is greater. ((~~The maximum civil penalty for a willful violation of a wage payment requirement shall be twenty thousand dollars~~)) Beginning in 2030, and every three years thereafter, the department shall increase the base penalty amount by the cumulative rate of inflation, rounded to the nearest 50 dollars, using the same process provided in RCW 49.46.020.

(ii) The department shall, by rule, create a matrix of criteria for the imposition of penalties. In creating the matrix, the department must consider the appropriateness of the penalty with respect to the number of affected employees of the employer subject to the penalty, the gravity of the violation, the size of the employer's business, the good faith of the employer, the source or cause of any error, the promptness of remedy, the employer's history of previous complaints and violations, including enhancements for repeat willful violations, or other factors the department considers relevant.

(b) The department may not assess a civil penalty if the employer reasonably relied on: (i) A rule related to any wage payment requirement; (ii) a written order, ruling, approval, opinion, advice, determination, or interpretation of the director; or (iii) an interpretive or administrative policy issued by the department and filed with the office of the code reviser. In accordance with the department's retention schedule obligations under chapter 40.14 RCW, the department shall maintain a complete and accurate record of all written orders, rulings, approvals, opinions, advice, determinations, and interpretations for purposes of determining whether an employer is immune from civil penalties under (b)(ii) of this subsection.

(c) The department ((~~shall~~)) may waive any civil penalty assessed against an employer under this section if ((~~the~~)) all of the following conditions are met: The employer is not a repeat willful violator, the employer has not previously settled or otherwise resolved a wage complaint more than once in the preceding 12 months or three times in the preceding 24 months, and the director determines that the employer has provided payment to the employee of all wages and interest that

the department determined that the employer owed to the employee, including interest, within ((~~ten~~)) 10 business days of the employer's receipt of the citation and notice of assessment from the department.

(d) The department may ((~~waive or~~)) reduce at any time a civil penalty assessed under this section if the director determines that the employer paid all wages and interest owed to an employee.

(e) ((~~The~~)) Until June 11, 2026, the department shall deposit civil penalties paid under this section in the supplemental pension fund established under RCW 51.44.033. Beginning on June 11, 2026, the department shall deposit all civil penalties paid under this chapter in the wage recovery account created under RCW 49.48.231.

(4) Upon payment by an employer, and acceptance by an employee, of all wages and interest assessed by the department in a citation and notice of assessment issued to the employer, the fact of such payment by the employer, and of such acceptance by the employee, shall: (a) Constitute a full and complete satisfaction by the employer of all specific wage payment requirements addressed in the citation and notice of assessment; and (b) bar the employee from initiating or pursuing any court action or other judicial or administrative proceeding based on the specific wage payment requirements addressed in the citation and notice of assessment. The citation and notice of assessment shall include a notification and summary of the specific requirements of this subsection.

(5) The applicable statute of limitations for civil actions is tolled ((~~during the department's investigation of~~)) for an employee's wage complaint against an employer once filed with the department. For the purposes of this subsection, ((~~the department's investigation~~)) a complaint filed with the department begins on the date the employee files the wage complaint with the department and ends when: (a) The wage complaint is finally determined through a final and binding citation and notice of assessment or determination of compliance; ((~~or~~)) (b) the department notifies the employer and the employee in writing that the wage complaint has been otherwise resolved or that the employee has elected to terminate the department's administrative action under RCW 49.48.085; or (c) the department notifies the worker the wage complaint will not be accepted.

(6) For all wage complaints filed on or after January 1, 2024, if the department offers the employer the option to resolve a wage complaint without a citation and notice of assessment, and the employer chooses to accept the offer, any settlement must include interest of one percent per month on all amounts owed. The employee may request a waiver or reduction of interest as part of the settlement process. [2026 c 53 s 1; 2023 c 243 s 1; 2011 c 301 s 16; 2010 c 42 s 2; 2006 c 89 s 2.]

RCW 49.48.083 Wage complaints—Duty of department to investigate—Citations and notices of assessment—Civil penalties *(as amended by 2026 c 77)*. (1) If an employee files a wage complaint with the department, the department shall investigate the wage complaint. Unless otherwise resolved, the department shall issue either a citation and notice of assessment or a determination of compliance no later than 60 days after the date on which the department received the wage complaint. The department may extend the time period by providing advance ((~~written~~)) notice to the employee and the employer setting forth good cause for an extension of the time period and specifying

the duration of the extension. The department may not investigate any alleged violation of a wage payment requirement that occurred more than three years before the date that the employee filed the wage complaint. The department shall send the citation and notice of assessment or the determination of compliance to both the employer and the employee ((~~by service of process or~~)) using ((~~a~~)) an electronic or nonelectronic method by which the ((~~mailing~~)) citation and notice of assessment or the determination of compliance can be tracked or the delivery can be confirmed to their last known addresses. Before using an electronic method for the first time under this subsection, the department must provide the employer and the employee the option to receive communication through a nonelectronic method.

(2) If the department determines that an employer has violated a wage payment requirement and issues to the employer a citation and notice of assessment, the department may order the employer to pay employees all wages owed, including interest of one percent per month on all wages owed, to the employee. The wages and interest owed must be calculated from the first date wages were owed to the employee, except that the department may not order the employer to pay any wages and interest that were owed more than three years before the date the wage complaint was filed with the department.

(3) If the department determines that the violation of the wage payment requirement was a willful violation, the department also may order the employer to pay the department a civil penalty as specified in (a) of this subsection.

(a) A civil penalty for a willful violation of a wage payment requirement shall be not less than ((~~one thousand dollars~~)) $1,000 or an amount equal to ((~~ten~~)) 10 percent of the total amount of unpaid wages, whichever is greater. The maximum civil penalty for a willful violation of a wage payment requirement shall be ((~~twenty thousand dollars~~)) $20,000.

(b) The department may not assess a civil penalty if the employer reasonably relied on: (i) A rule related to any wage payment requirement; (ii) a written order, ruling, approval, opinion, advice, determination, or interpretation of the director; or (iii) an interpretive or administrative policy issued by the department and filed with the office of the code reviser. In accordance with the department's retention schedule obligations under chapter 40.14 RCW, the department shall maintain a complete and accurate record of all written orders, rulings, approvals, opinions, advice, determinations, and interpretations for purposes of determining whether an employer is immune from civil penalties under (b)(ii) of this subsection.

(c) The department shall waive any civil penalty assessed against an employer under this section if the employer is not a repeat willful violator, and the director determines that the employer has provided payment to the employee of all wages that the department determined that the employer owed to the employee, including interest, within ((~~ten~~)) 10 business days of the employer's receipt of the citation and notice of assessment from the department.

(d) The department may waive or reduce at any time a civil penalty assessed under this section if the director determines that the employer paid all wages and interest owed to an employee.

(e) The department shall deposit civil penalties paid under this section in the supplemental pension fund established under RCW 51.44.033.

(4) Upon payment by an employer, and acceptance by an employee, of all wages and interest assessed by the department in a citation and

notice of assessment issued to the employer, the fact of such payment by the employer, and of such acceptance by the employee, shall: (a) Constitute a full and complete satisfaction by the employer of all specific wage payment requirements addressed in the citation and notice of assessment; and (b) bar the employee from initiating or pursuing any court action or other judicial or administrative proceeding based on the specific wage payment requirements addressed in the citation and notice of assessment. The citation and notice of assessment shall include a notification and summary of the specific requirements of this subsection.

(5) The applicable statute of limitations for civil actions is tolled during the department's investigation of an employee's wage complaint against an employer. For the purposes of this subsection, the department's investigation begins on the date the employee files the wage complaint with the department and ends when: (a) The wage complaint is finally determined through a final and binding citation and notice of assessment or determination of compliance; or (b) the department notifies the employer and the employee in writing that the wage complaint has been otherwise resolved or that the employee has elected to terminate the department's administrative action under RCW 49.48.085.

(6) For all wage complaints filed on or after January 1, 2024, if the department offers the employer the option to resolve a wage complaint without a citation and notice of assessment, and the employer chooses to accept the offer, any settlement must include interest of one percent per month on all amounts owed. The employee may request a waiver or reduction of interest as part of the settlement process. [2026 c 77 s 22; 2023 c 243 s 1; 2011 c 301 s 16; 2010 c 42 s 2; 2006 c 89 s 2.]

RCW 49.48.083 Wage complaints—Duty of department to investigate —Citations and notices of assessment—Civil penalties *(as amended by 2026 c 176)*. (1)(a) If an employee files a wage complaint with the department, the department ((~~shall~~)) may investigate the wage complaint. In determining which complaints will be investigated, the department must establish a written process by which wage complaints will be prioritized based on factors including, but not limited to, the harm to the affected employee, the severity of the complaint, the number of employees potentially affected, and the probability of retaliation. The department's enforcement priorities must be made publicly available.

(b) Unless otherwise resolved, when the department ((~~shall issue~~)) accepts a complaint, the department shall issue either a citation and notice of assessment or a determination of compliance no later than 60 days after the date on which the department ((~~received~~)) accepted the wage complaint. The department may extend the time period by providing advance written notice to the employee and the employer setting forth good cause for an extension of the time period and specifying the duration of the extension. The department may not investigate any alleged violation of a wage payment requirement that occurred more than three years before the date that the employee filed the wage complaint. The department shall send the citation and notice of assessment or the determination of compliance to both the employer and the employee by service of process or using a method by which the

mailing can be tracked or the delivery can be confirmed to their last known addresses.

(2) If the department determines that an employer has violated a wage payment requirement and issues to the employer a citation and notice of assessment, the department may order the employer to pay employees all wages owed, including interest of one percent per month on all wages owed, to the employee. The wages and interest owed must be calculated from the first date wages were owed to the employee, except that the department may not order the employer to pay any wages and interest that were owed more than three years before the date the wage complaint was filed with the department.

(3) If the department determines that the violation of the wage payment requirement was a willful violation, the department also may order the employer to pay the department a civil penalty as specified in (a) of this subsection.

(a) A civil penalty for a willful violation of a wage payment requirement shall be not less than ((~~one thousand dollars~~)) $1,000 or an amount equal to ((~~ten~~)) 10 percent of the total amount of unpaid wages, whichever is greater. The maximum civil penalty for a willful violation of a wage payment requirement ((~~shall be twenty thousand dollars~~)) is $20,000.

(b) The department may not assess a civil penalty if the employer reasonably relied on: (i) A rule related to any wage payment requirement; (ii) a written order, ruling, approval, opinion, advice, determination, or interpretation of the director; or (iii) an interpretive or administrative policy issued by the department and filed with the office of the code reviser. In accordance with the department's retention schedule obligations under chapter 40.14 RCW, the department shall maintain a complete and accurate record of all written orders, rulings, approvals, opinions, advice, determinations, and interpretations for purposes of determining whether an employer is immune from civil penalties under (b)(ii) of this subsection.

(c) The department shall waive any civil penalty assessed against an employer under this section if the employer is not a repeat willful violator, and the director determines that the employer has provided payment to the employee of all wages that the department determined that the employer owed to the employee, including interest, within ((~~ten~~)) 10 business days of the employer's receipt of the citation and notice of assessment from the department.

(d) The department may waive or reduce at any time a civil penalty assessed under this section if the director determines that the employer paid all wages and interest owed to an employee.

(e) The department shall deposit civil penalties paid under this section in the supplemental pension fund established under RCW 51.44.033.

(4) Upon payment by an employer, and acceptance by an employee, of all wages and interest assessed by the department in a citation and notice of assessment issued to the employer, the fact of such payment by the employer, and of such acceptance by the employee, shall: (a) Constitute a full and complete satisfaction by the employer of all specific wage payment requirements addressed in the citation and notice of assessment; and (b) bar the employee from initiating or pursuing any court action or other judicial or administrative proceeding based on the specific wage payment requirements addressed in the citation and notice of assessment. The citation and notice of assessment shall include a notification and summary of the specific requirements of this subsection.

(5) The applicable statute of limitations for civil actions is tolled ((~~during the department's investigation of~~)) for an employee's wage complaint against an employer once filed with the department. For the purposes of this subsection, ((~~the department's investigation begins~~)) a complaint is filed with the department on the date the employee files the wage complaint with the department and ends when: (a) The wage complaint is finally determined through a final and binding citation and notice of assessment or determination of compliance; ((~~or~~)) (b) the department notifies the employer and the employee in writing that the wage complaint has been otherwise resolved or that the employee has elected to terminate the department's administrative action under RCW 49.48.085; or (c) the department notifies the worker the wage complaint will not be accepted.

(6) For all wage complaints filed on or after January 1, 2024, if the department offers the employer the option to resolve a wage complaint without a citation and notice of assessment, and the employer chooses to accept the offer, any settlement must include interest of one percent per month on all amounts owed. The employee may request a waiver or reduction of interest as part of the settlement process. [2026 c 176 s 2; 2023 c 243 s 1; 2011 c 301 s 16; 2010 c 42 s 2; 2006 c 89 s 2.]

Reviser's note: RCW 49.48.083 was amended three times during the 2026 legislative session, without reference to one another. For rule of construction concerning sections amended more than once during the same legislative session, see RCW 1.12.025.

Captions not law—2006 c 89: See note following RCW 49.48.082.

RCW 49.48.084 Wage complaints—Administrative appeals. (1) A person, firm, or corporation aggrieved by a citation and notice of assessment or a determination of compliance issued by the department under RCW 49.48.083 or the assessment of civil penalty due to a determination of status as a repeat willful violator may appeal the citation and notice of assessment, the determination of compliance, or the assessment of civil penalty to the director by filing a notice of appeal with the director within thirty days of the department's issuance of the citation and notice of assessment, the determination of compliance, or the assessment of civil penalty. A citation and notice of assessment, a determination of compliance, or an assessment of a civil penalty not appealed within thirty days is final and binding, and not subject to further appeal.

(2) A notice of appeal filed with the director under this section shall stay the effectiveness of the citation and notice of assessment, the determination of compliance, or the assessment of civil penalty pending final review of the appeal by the director as provided for in chapter 34.05 RCW.

(3) Upon receipt of a notice of appeal, the director shall assign the hearing to an administrative law judge of the office of administrative hearings to conduct the hearing and issue an initial order. The hearing and review procedures shall be conducted in accordance with chapter 34.05 RCW, and the standard of review by the administrative law judge of an appealed citation and notice of assessment, an appealed determination of compliance, or an appealed assessment of civil penalty shall be de novo. Any party who seeks to

challenge an initial order shall file a petition for administrative review with the director within thirty days after service of the initial order. The director shall conduct administrative review in accordance with chapter 34.05 RCW.

(4) The director shall issue all final orders after appeal of the initial order. The final order of the director is subject to judicial review in accordance with chapter 34.05 RCW.

(5) Orders that are not appealed within the time period specified in this section and chapter 34.05 RCW are final and binding, and not subject to further appeal.

(6) An employer who fails to allow adequate inspection of records in an investigation by the department under this chapter within a reasonable time period may not use such records in any appeal under this section to challenge the correctness of any determination by the department of wages owed or penalty assessed. [2010 c 42 s 3; 2006 c 89 s 3.]

Captions not law—2006 c 89: See note following RCW 49.48.082.

RCW 49.48.085 Wage complaints—Employee termination of administrative action. (1) An employee who has filed a wage complaint with the department may elect to terminate the department's administrative action, thereby preserving any private right of action, by providing written notice to the department within ten business days after the employee's receipt of the department's citation and notice of assessment.

(2) If the employee elects to terminate the department's administrative action: (a) The department shall immediately discontinue its action against the employer; (b) the department shall vacate a citation and notice of assessment already issued by the department to the employer; and (c) the citation and notice of assessment, and any related findings of fact or conclusions of law by the department, and any payment or offer of payment by the employer of the wages, including interest, assessed by the department in the citation and notice of assessment, shall not be admissible in any court action or other judicial or administrative proceeding.

(3) Nothing in this section shall be construed to limit or affect: (a) The right of any employee to pursue any judicial, administrative, or other action available with respect to an employer; (b) the right of the department to pursue any judicial, administrative, or other action available with respect to an employee that is identified as a result of a wage complaint; or (c) the right of the department to pursue any judicial, administrative, or other action available with respect to an employer in the absence of a wage complaint. For purposes of this subsection, "employee" means an employee other than an employee who has filed a wage complaint with the department and who thereafter has elected to terminate the department's administrative action as provided in subsection (1) of this section. [2006 c 89 s 4.]

Captions not law—2006 c 89: See note following RCW 49.48.082.

RCW 49.48.086 Collection procedures. (1) After a final order is issued under RCW 49.48.084, if an employer defaults in the payment of:

(a) Any wages determined by the department to be owed to an employee, including interest; or (b) any civil penalty ordered by the department under RCW 49.48.083, the director may file with the clerk of any county within the state a warrant in the amount of the payment plus any filing fees. The clerk of the county in which the warrant is filed shall immediately designate a superior court cause number for the warrant, and the clerk shall cause to be entered in the judgment docket under the superior court cause number assigned to the warrant, the name of the employer mentioned in the warrant, the amount of payment due on it plus any filing fees, and the date when the warrant was filed. The aggregate amount of the warrant as docketed becomes a lien upon the title to, and interest in, all real and personal property of the employer against whom the warrant is issued, the same as a judgment in a civil case docketed in the office of the clerk. The sheriff shall proceed upon the warrant in all respects and with like effect as prescribed by law with respect to execution or other process issued against rights or property upon judgment in a court of competent jurisdiction. The warrant so docketed is sufficient to support the issuance of writs of garnishment in favor of the state in a manner provided by law in case of judgment, wholly or partially unsatisfied. The clerk of the court is entitled to a filing fee which will be added to the amount of the warrant. A copy of the warrant shall be mailed to the employer within three days of filing with the clerk.

(2)(a) The director may issue to any person, firm, corporation, other entity, municipal corporation, political subdivision of the state, a public corporation, or any agency of the state, a notice and order to withhold and deliver property of any kind when he or she has reason to believe that there is in the possession of the person, firm, corporation, other entity, municipal corporation, political subdivision of the state, public corporation, or agency of the state, property that is or will become due, owing, or belonging to an employer upon whom a notice of assessment has been served by the department for payments or civil penalties due to the department. The effect of a notice and order is continuous from the date the notice and order is first made until the liability out of which the notice and order arose is satisfied or becomes unenforceable because of lapse of time. The department shall release the notice and order when the liability out of which the notice and order arose is satisfied or becomes unenforceable by reason of lapse of time and shall notify the person against whom the notice and order was made that the notice and order has been released.

(b) The notice and order to withhold and deliver must be served by the sheriff of the county or by the sheriff's deputy, by certified mail, return receipt requested, or by the director. A person, firm, corporation, other entity, municipal corporation, political subdivision of the state, public corporation, or agency of the state upon whom service has been made shall answer the notice within twenty days exclusive of the day of service, under oath and in writing, and shall make true answers to the matters inquired of in the notice and order. Upon service of the notice and order, if the party served possesses any property that may be subject to the claim of the department, the party shall promptly deliver the property to the director. The director shall hold the property in trust for application on the employer's indebtedness to the department, or for return without interest, in accordance with a final determination of a petition for review. In the alternative, the party shall furnish a

good and sufficient surety bond satisfactory to the director conditioned upon final determination of liability. If a party served and named in the notice fails to answer the notice within the time prescribed in this section, the court may render judgment by default against the party for the full amount claimed by the director in the notice, together with costs. If a notice is served upon an employer and the property subject to it is wages, the employer may assert in the answer all exemptions provided for by chapter 6.27 RCW to which the wage earner is entitled.

(c) As an alternative to the methods of service described in this section, the department may electronically serve a financial institution with a notice and order to withhold and deliver by providing a list of its outstanding warrants, except those for which a payment agreement is in good standing, to the department of revenue. The department of revenue may include the warrants provided by the department in a notice and order to withhold and deliver served under RCW 82.32.235(3). A financial institution that is served with a notice and order to withhold and deliver under this subsection (2)(c) must answer the notice within the time period applicable to service under RCW 82.32.235(3). The department and the department of revenue may adopt rules to implement this subsection (2)(c).

(3)(a) In addition to the procedure for collection of wages owed, including interest, and civil penalties as set forth in this section, the department may recover wages owed, including interest, and civil penalties assessed under RCW 49.48.083 in a civil action brought in a court of competent jurisdiction of the county where the violation is alleged to have occurred.

(b) The department may use the procedures under this section to foreclose wage liens established under chapter 60.90 RCW. When the department is foreclosing on a wage lien, the date the wage lien was originally filed shall be the date by which priority is determined, regardless of the date the warrant is filed under this section. If a claimant has timely notified the department that the claimant will pursue foreclosure on their own, without the department's assistance, the department is not required to file a warrant under this section and is relieved from any liability related to foreclosing on the claimant's wage lien.

(4) Whenever any employer quits business, sells out, exchanges, or otherwise disposes of the employer's business or stock of goods, any person who becomes a successor to the business becomes liable for the full amount of any outstanding citation and notice of assessment or penalty against the employer's business under this chapter if, at the time of the conveyance of the business, the successor has: (a) Actual knowledge of the fact and amount of the outstanding citation and notice of assessment or (b) a prompt, reasonable, and effective means of accessing and verifying the fact and amount of the outstanding citation and notice of assessment from the department. If the citation and notice of assessment or penalty is not paid in full by the employer within ten days of the date of the sale, exchange, or disposal, the successor is liable for the payment of the full amount of the citation and notice of assessment or penalty, and payment thereof by the successor must, to the extent thereof, be deemed a payment upon the purchase price. If the payment is greater in amount than the purchase price, the amount of the difference becomes a debt due the successor from the employer.

(5) This section does not affect other collection remedies that are otherwise provided by law. [2021 c 102 s 18; 2014 c 210 s 1; 2010 c 42 s 4; 2006 c 89 s 5.]

Short title—Effective date—2021 c 102: See RCW 60.90.900 and 60.90.902.

Captions not law—2006 c 89: See note following RCW 49.48.082.

RCW 49.48.087 Rules. The director may adopt rules to carry out the purposes of RCW 49.48.082 through 49.48.086. [2006 c 89 s 6.]

Captions not law—2006 c 89: See note following RCW 49.48.082.

RCW 49.48.090 Assignment of wages—Requisites to validity. No assignment of, or order for, wages to be earned in the future to secure a loan of less than three hundred dollars, shall be valid against an employer of the person making said assignment or order unless said assignment or order is accepted in writing by the employer, and said assignment or order, and the acceptance of the same, have been filed and recorded with the county auditor of the county where the party making said assignment or order resides, if a resident of the state, or in which he or she is employed, if not a resident of the state. [2010 c 8 s 12051; 1909 c 32 s 1; RRS s 7597.]

RCW 49.48.100 Written consent of spouse required. No assignment of, or order for, wages to be earned in the future shall be valid, when made by a married person, unless the written consent of the other spouse to the making of such assignment or order is attached thereto. [1972 ex.s. c 108 s 7; 1909 c 32 s 2; RRS s 7598.]

RCW 49.48.115 Employer defined. For the purposes of RCW 49.48.120 the word "employer" shall include every person, firm, partnership, corporation, the state of Washington, and all municipal corporations. [1939 c 139 s 1; RRS s 1464-1. Formerly RCW 49.48.120, part.]

RCW 49.48.120 Payment on employee's death. (1) If at the time of the death of any person, his or her employer is indebted to him or her for work, labor, and services performed, and no executor or administrator of his or her estate has been appointed, the employer shall upon the request of the surviving spouse pay the indebtedness in an amount as may be due not exceeding the sum of ten thousand dollars, to the surviving spouse, or if the decedent leaves no surviving spouse, then to the decedent's child or children, or if no children, then to the decedent's father or mother.

(2) In the event the decedent's employer is the state of Washington or a municipal corporation, as defined in RCW 39.50.010, then there shall be no limit to the amount of the indebtedness that can be paid under subsection (1) of this section.

(3) If the decedent and the surviving spouse have entered into a community property agreement that meets the requirements of RCW 26.16.120, and the right to the indebtedness became the sole property of the surviving spouse upon the death of the decedent, the employer shall pay to the surviving spouse the total of the indebtedness, or that portion which is governed by the community property agreement, upon presentation of the agreement accompanied by an affidavit or declaration of the surviving spouse stating that the agreement was executed in good faith between the parties and had not been rescinded by the parties before the decedent's death.

(4) In all cases, the employer shall require proof of the claimant's relationship to the decedent by affidavit or declaration, and shall require the claimant to acknowledge receipt of the payment in writing.

(5) Any payments made by an employer pursuant to the provisions of RCW 49.48.115 and this section shall operate as a full and complete discharge of the employer's indebtedness to the extent of the payment, and no employer shall thereafter be liable to the decedent's estate, or the decedent's executor or administrator thereafter appointed.

(6) The employer may also pay the indebtedness upon presentation of an affidavit as provided in RCW 11.62.010. [2019 c 89 s 1; 2018 c 57 s 1; 2003 c 122 s 1; 1981 c 333 s 2; 1974 ex.s. c 117 s 42; 1967 c 210 s 1; 1939 c 139 s 2; RRS s 1464-2. FORMER PART OF SECTION: 1939 c 139 s 1; RRS s 1464-1 now codified as RCW 49.48.115.]

Application, construction—Severability—Effective date—1974 ex.s. c 117: See RCW 11.02.080 and notes following.

RCW 49.48.150 Sales representatives—Definitions. Unless the context clearly requires otherwise, the definitions in this section apply throughout RCW 49.48.160 through 49.48.190.

(1) "Commission" means compensation paid a sales representative by a principal in an amount based on a percentage of the dollar amount of certain orders for or sales of the principal's product. Commission includes bonus payments under an incentive compensation plan or other agreement between a principal and sales representative.

(2) "Principal" means a person, whether or not the person has a permanent or fixed place of business in this state, who:

(a) Manufactures, produces, imports, or distributes a product for sale to customers who purchase the product for resale;

(b) Uses a sales representative to solicit orders for the product; and

(c) Compensates the sales representative in whole or in part by commission.

(3) "Sales representative" means a person who solicits, on behalf of a principal, orders for the purchase at wholesale of the principal's product, but does not include a person who places orders for his or her own account for resale, or purchases for his or her own account for resale, or sells or takes orders for the direct sale of products to the ultimate consumer. [2020 c 84 s 1; 2010 c 8 s 12052; 1992 c 177 s 1.]

Severability—1992 c 177: "If any provision of this act or its application to any person or circumstance is held invalid, the

remainder of the act or the application of the provision to other persons or circumstances is not affected." [1992 c 177 s 7.]

RCW 49.48.160 Sales representatives—Contract—Agreement. (1) A contract between a principal and a sales representative under which the sales representative is to solicit wholesale orders within this state must be in writing and must set forth the method by which the sales representative's commission is to be computed and paid. The principal shall provide the sales representative with a copy of the contract. A provision in the contract establishing venue for an action arising under the contract in a state other than this state, or establishing conditions for payment of a commission contrary to the provisions of this section, is void.

(2) When no written contract has been entered into, any agreement between a sales representative and a principal is deemed to incorporate the provisions of RCW 49.48.150 through 49.48.190.

(3)(a) During the course of the contract, a sales representative shall be paid the earned commission and all other moneys earned or payable in accordance with the agreed terms of the contract, but no later than thirty days after receipt of payment by the principal for products or goods sold on behalf of the principal by the sales representative.

(b) Upon termination of a contract, whether or not the agreement is in writing, all earned commissions due to the sales representative shall be paid within thirty days after receipt of payment by the principal for products or goods sold on behalf of the principal by the sales representative, including earned commissions not due when the contract is terminated.

(c) Where a sales representative's efforts prior to termination of a contract results in a sale, regardless of when the sale occurs, the termination may not affect whether a commission is considered earned.

(4) Failure to pay an earned commission is a wage payment violation under RCW 49.52.050. [2020 c 84 s 2; 1992 c 177 s 2.]

Severability—1992 c 177: See note following RCW 49.48.150.

RCW 49.48.170 Sales representatives—Payment. A principal shall pay wages and commissions at the usual place of payment unless the sales representative requests that the wages and commissions be sent through registered mail. If, in accordance with a request by the sales representative, the sales representative's wages and commissions are sent through the mail, the wages and commissions are deemed to have been paid as of the date of their registered postmark. [1992 c 177 s 3.]

Severability—1992 c 177: See note following RCW 49.48.150.

RCW 49.48.180 Sales representatives—Principal considered doing business in this state. A principal who is not a resident of this state and who enters into a contract subject to RCW 49.48.150 through 49.48.190 is considered to be doing business in this state for

purposes of the exercise of personal jurisdiction over the principal. [1992 c 177 s 4.]

Severability—1992 c 177: See note following RCW 49.48.150.

RCW 49.48.190 Sales representatives—Rights and remedies not exclusive—Waiver void. (1) RCW 49.48.150 through 49.48.190 supplement but do not supplant any other rights and remedies enjoyed by sales representatives.

(2) A provision of RCW 49.48.150 through 49.48.190 may not be waived, whether by express waiver or by attempt to make a contract or agreement subject to the laws of another state. A waiver of a provision of RCW 49.48.150 through 49.48.190 is void. [1992 c 177 s 5.]

Severability—1992 c 177: See note following RCW 49.48.150.

RCW 49.48.200 Overpayment of wages—Government employees. (1) Debts due the state or a county or city for the overpayment of wages to their respective employees may be recovered by the employer by deductions from subsequent wage payments as provided in RCW 49.48.210, or by civil action. If the overpayment is recovered by deduction from the employee's subsequent wages, each deduction shall not exceed: (a) Five percent of the employee's disposable earnings in a pay period other than the final pay period; or (b) the amount still outstanding from the employee's disposable earnings in the final pay period. The deductions from wages shall continue until the overpayment is fully recouped.

(2) Nothing in this section or RCW 49.48.210 or 49.48.220 prevents: (a) An employee from making payments in excess of the amount specified in subsection (1)(a) of this section to an employer; or (b) an employer and employee from agreeing to a different overpayment amount than that specified in the notice in RCW 49.48.210(1) or to a method other than a deduction from wages for repayment of the overpayment amount. [2004 c 7 s 1; 2003 c 77 s 1.]

Severability—2004 c 7: "If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected." [2004 c 7 s 3.]

RCW 49.48.210 Overpayment of wages—Notice—Review—Appeal. (1) Except as provided in subsection (10) of this section, when an employer determines that an employee was overpaid wages, the employer shall provide written notice to the employee. The notice shall include the amount of the overpayment, the basis for the claim, a demand for payment within twenty calendar days of the date on which the employee received the notice, and the rights of the employee under this section.

(2) The notice may be served upon the employee in the manner prescribed for the service of a summons in a civil action, or be mailed by certified mail, return receipt requested, to the employee at his or her last known address.

(3) Within twenty calendar days after receiving the notice from the employer that an overpayment has occurred, the employee may request, in writing, that the employer review its finding that an overpayment has occurred. The employee may choose to have the review conducted through written submission of information challenging the overpayment or through a face-to-face meeting with the employer. If the request is not made within the twenty-day period as provided in this subsection, the employee may not further challenge the overpayment and has no right to further agency review, an adjudicative proceeding, or judicial review.

(4) Upon receipt of an employee's written request for review of the overpayment, the employer shall review the employee's challenge to the overpayment. Upon completion of the review, the employer shall notify the employee in writing of the employer's decision regarding the employee's challenge. The notification must be sent by certified mail, return receipt requested, to the employee at his or her last known address.

(5) If the employee is dissatisfied with the employer's decision regarding the employee's challenge to the overpayment, the employee may request an adjudicative proceeding governed by the administrative procedure act, chapter 34.05 RCW or, in the case of a county or city employee, an adjudicative proceeding provided pursuant to ordinance or resolution of the county or city. The employee's application for an adjudicative proceeding must be in writing, state the basis for contesting the overpayment notice, and include a copy of the employer's notice of overpayment. The application must be served on and received by the employer within twenty-eight calendar days of the employee's receipt of the employer's decision following review of the employee's challenge. Notwithstanding RCW 34.05.413(3), agencies may not vary the requirements of this subsection (5) by rule or otherwise. The employee must serve the employer by certified mail, return receipt requested.

(6) If the employee does not request an adjudicative proceeding within the twenty-eight-day period, the amount of the overpayment provided in the notice shall be deemed final and the employer may proceed to recoup the overpayment as provided in this section and RCW 49.48.200.

(7) Where an adjudicative proceeding has been requested, the presiding or reviewing officer shall determine the amount, if any, of the overpayment received by the employee.

(8) If the employee fails to attend or participate in the adjudicative proceeding, upon a showing of valid service, the presiding or reviewing officer may enter an administrative order declaring the amount claimed in the notice sent to the employee after the employer's review of the employee's challenge to the overpayment to be assessed against the employee and subject to collection action by the employer as provided in RCW 49.48.200.

(9) Failure to make an application for a review by the employer as provided in subsections (3) and (4) of this section or an adjudicative proceeding within twenty-eight calendar days of the date of receiving notice of the employer's decision after review of the overpayment shall result in the establishment of a final debt against the employee in the amount asserted by the employer, which debt shall be collected as provided in RCW 49.48.200.

(10) When an employer determines that an employee covered by a collective bargaining agreement was overpaid wages, the employer shall provide written notice to the employee. The notice shall include the

amount of the overpayment, the basis for the claim, and the rights of the employee under the collective bargaining agreement. Any dispute relating to the occurrence or amount of the overpayment shall be resolved using the grievance procedures contained in the collective bargaining agreement.

(11) As used in this section or RCW 49.48.210 [49.48.200] and 49.48.220:

(a) "City" means city or town;

(b) "Employer" means the state of Washington or a county or city, and any of its agencies, institutions, boards, or commissions; and

(c) "Overpayment" means a payment of wages for a pay period that is greater than the amount earned for a pay period. [2004 c 7 s 2; 2003 c 77 s 2.]

Severability—2004 c 7: See note following RCW 49.48.200.

RCW 49.48.220 Rules. The office of financial management shall adopt the rules necessary to implement chapter 77, Laws of 2003. [2003 c 77 s 3.]

RCW 49.48.230 Wage recovery program—Rule making—Disbursement—Eligibility—Report. (1)(a) Subject to the availability of funds appropriated for this purpose, the wage recovery program is created and administered by the department. The purpose of the wage recovery program is to allow the department to disburse funds to unpaid low-wage employees, prior to the department issuing a citation and notice of assessment or collecting unpaid wages and interest from an employer, if the employee would otherwise experience immediate economic harm due to the nonpayment of wages.

(b) The department may adopt rules to administer the program.

(2) Beginning July 1, 2028, or when the account created under RCW 49.48.231 contains at least $130,000, whichever is later, an employee is eligible to recover from the wage recovery program if each of the following conditions is satisfied:

(a) The employee has filed a wage complaint with the department under RCW 49.48.083 and the department has investigated and determined that the wage complaint has merit;

(b) The employee has assigned the employee's wage complaint to the department as required under this section;

(c) The employee requested to be considered a recipient of funds from the wage recovery program;

(d) The employee's earnings during the preceding 12 months were less than the maximum amount established by the department by rule and according to the process provided by rule;

(e) The employee attests that without relief from the wage recovery program, the employee will suffer immediate economic harm; and

(f) The employee, as a condition of receiving funds under the wage recovery program, has waived the ability to appeal the citation and any notice of assessment as well as any private right of action.

(3)(a) To help prevent immediate economic harm to the employee, the department should attempt to disburse funds after the department has determined the complaint has merit and at the earliest possible point in the investigation process, as determined by the department.

(b) In determining an eligible employee's need for funds to prevent immediate economic harm, the department may identify other factors for consideration, such as resources available to the employee, the employee's current employment status, and family size.

(c) The department may determine the priority of payments made between eligible employees and whether to issue funds for eligible employees. Factors to consider in prioritizing applications for funds from the program should include, but are not limited to, the severity of the potential economic harm to the employee, whether the department is likely to recover the unpaid wages and interest from the employer, and availability of funds to be distributed throughout the year given the seasonality of some industries.

(4)(a) As a condition of receiving a disbursement of funds under the wage recovery program, the employee must assign to the department the employee's right to any claim on wages and interest owed by the employer.

(b) An employee receiving funds from the wage recovery program may not pursue collection, or authorize another entity other than the department to pursue collection on the employee's behalf.

(c) When an employer pays the department wages and interest for a wage complaint assigned to the department, the department shall deposit into the wage recovery account created under RCW 49.48.231 the amounts necessary to reimburse the account for the disbursements made to the employee, plus interest. The department shall pay any remaining payment of wages and interest by the employer on the claim to the employee.

(5) An eligible employee may receive up to 85 percent of wages the employee is anticipated to be owed at the time of disbursement from the fund, up to a maximum of $2,500, from the account.

(6) Total payments made under the wage recovery program for any fiscal year may not be greater than 80 percent of the account balance, calculated at the end of the previous fiscal year.

(7)(a) Eligibility for payment under the wage recovery program does not create a right to payment. Payments under this section are discretionary. This section does not create an entitlement to payment or services. This section does not create a right of action.

(b) The department is not criminally or civilly liable and may not have any penalty or cause of action of any nature arise against it regarding the provision or lack of provision of funds for payments under this section.

(8) As part of its annual report submitted under RCW 49.12.180, the department shall include a report of the wage recovery program, including the following information:

(a) Amounts available in the account for disbursement at the beginning of the year and at the end of the year;

(b) Amounts paid out from the account;

(c) The number of employees and wage complaints that resulted in payments made from the account;

(d) The types and frequency of immediate economic harm identified by the employee through attestation;

(e) The total amount of wages and interest owed to employees in notices of assessment where the program issued a payment;

(f) The average payment made to employees under the program;

(g) The total amount of penalties assessed in notices of assessment where there were payments made under the program;

(h) The total recovery from employers of amounts paid from the account;

(i) The total outstanding recovery from employers of amounts paid from the account;

(j) The total collection of all wages, interest, and penalties assessed in notices of assessment from employers where there was payment from the account;

(k) The number of notices of assessment where the wages and interest ultimately assessed were less than the amount paid from the account to the employee;

(l) The number of employer appeals of notices of assessment where there was payment from the account;

(m) The number of appeals where the final decision resulted in a lower wage owed to the employee than the amount paid out of the account to the employee;

(n) The number of appeals where an employee who received payment from the account failed to participate;

(o) The number of payments from the account subject to the 85 percent disbursement cap. [2026 c 53 s 2.]

RCW 49.48.231 Wage recovery account. The wage recovery account is created in the custody of the state treasurer. All receipts from civil penalties collected under this chapter and chapter 49.46 RCW, and all moneys recovered from wage complaints assigned to the department as authorized under this section must be deposited into the account. Expenditures from the account may be used only for disbursements to employees in accordance with RCW 49.48.230. Only the director of or the director's designee may authorize expenditures from the account. The account is subject to allotment procedures under chapter 43.88 RCW, but an appropriation is not required for expenditures. [2026 c 53 s 3.]

RCW 49.48.900 Construction—Chapter applicable to state registered domestic partnerships—2009 c 521. For the purposes of this chapter, the terms spouse, marriage, marital, husband, wife, widow, widower, next of kin, and family shall be interpreted as applying equally to state registered domestic partnerships or individuals in state registered domestic partnerships as well as to marital relationships and married persons, and references to dissolution of marriage shall apply equally to state registered domestic partnerships that have been terminated, dissolved, or invalidated, to the extent that such interpretation does not conflict with federal law. Where necessary to implement chapter 521, Laws of 2009, gender-specific terms such as husband and wife used in any statute, rule, or other law shall be construed to be gender neutral, and applicable to individuals in state registered domestic partnerships. [2009 c 521 s 131.]