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.