
Commerce & Labor Committee

HB 2176

Brief Description: Creating a good faith defense for certain minimum wage and overtime compensation complaints.

Sponsors: Representatives Conway, Chase, Kenney and Wood.

<p style="text-align: center;">Brief Summary of Bill</p> <ul style="list-style-type: none">• Limits the liability of employers for failing to pay minimum wages or overtime compensation when the employer acted in good faith and in conformity with a rule, policy, or practice of the Department of Labor and Industries.

Hearing Date: 2/17/09

Staff: Alison Hellberg (786-7152)

Background:

Washington law establishes a state minimum wage, overtime compensation, and various other minimum wage standards. These requirements are enforced by the Department of Labor and Industries (Department).

Summary of Bill:

An employer is not subject to liability or punishment for failing to pay minimum wages or overtime compensation if the employer proves that it acted in good faith and conformity with and reliance on:

- a rule related to any wage payment requirement;
- a written order, ruling, approval, opinion, advice, determination, or interpretation of the Director of the Department; or
- an interpretive or administrative policy issued by the Department.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

This defense, if established, bars an action or proceeding even if after the complained of act or omission, the order, ruling, approval, opinion, advice, determination, or interpretation, or interpretive or administrative policy of the Department, that the employer relied upon, is modified or rescinded or is determined by a judicial authority to be invalid.

Rules Authority: The bill does not address the rule-making powers of an agency.

Appropriation: None.

Fiscal Note: Not requested.

Effective Date: The bill takes effect 90 days after adjournment of the session in which the bill is passed.