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**ENGROSSED SUBSTITUTE HOUSE BILL 1211**

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**State of Washington 64th Legislature 2015 Regular Session**

**By** House Labor (originally sponsored by Representatives G. Hunt, Reykdal, Sawyer, Manweller, Vick, S. Hunt, and Buys)

AN ACT Relating to fees and costs related to methods of wage payment; and amending RCW 49.48.010.

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

**Sec.**  RCW 49.48.010 and 2010 c 8 s 12047 are each amended to read as follows:

(1) 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 ((~~paragraph~~)) 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.

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

((~~(1)~~)) (i) Required by state or federal law; or

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

((~~(3)~~)) (iii) 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.

((~~Paragraph three~~)) Subsection (2)(a) 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.

(b)(i) An employer must offer a method of wage payment that allows an employee to obtain any part of or all of his or her wages in legal tender of the United States without any fees or costs for the transaction. The following are not fees or costs under this subsection:

(A) A check-cashing fee imposed by a person or entity other than the employer;

(B) A fee or cost imposed by a person or entity other than the employer, or other than a person or entity engaged by the employer, for purposes of direct deposit of wages in an institution of the employee's choosing and at the employee's request.

(ii) An employer who credits employee wages to a payroll card account must offer an employee at least one other method of receiving wages that does not require the employee to maintain or open an account for purposes of direct deposit. However, direct deposit is permitted as the other method if the employee requests direct deposit.

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