
Labor Committee

HB 1006

Brief Description: Providing damages for wage violations.

Sponsors: Representatives Sawyer, G. Hunt, Dunshee, Riccelli, Moeller, Fitzgibbon, Appleton, Gregerson, Reykdal, Jinkins, Bergquist, Goodman, Moscoso, Ormsby, Farrell, Walkinshaw and Pollet.

Brief Summary of Bill

- Provides that an employer who willfully and intentionally deprives an employee of any part of his or her wages by paying a lower wage than required or who collects a rebate from an employee's wages, is liable in a civil action for triple, rather than double, the amount of wages withheld.
- Removes the provision barring an employee from obtaining higher damages when the employee knowingly submitted to the wage violation.

Hearing Date: 1/13/15

Staff: Trudes Tango (786-7384).

Background:

The state Minimum Wage Act, Wage Payment Act, and other laws establish standards for the payment of wages. It is unlawful for an employer to withhold an employee's wages, except under certain circumstances, or to willfully pay an employee less than the employer is required to pay.

If the employer fails to pay an employee wages owed, the employee may file a wage complaint with the Department of Labor and Industries (Department) or bring a civil action in court.

If the employee files a wage complaint with the Department, the Department must investigate. If the Department determines that the employer's wage violation was willful, the Department may order the employer to pay a civil penalty of the greater of \$1,000 or 10 percent of the unpaid

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wages, up to \$20,000. "Willful" is defined in statute as a knowing and intentional act that is neither accidental nor the result of a bona fide dispute. The Department may not impose civil penalties if the employer is not a repeat willful violator and the employer has paid the employee within 10 days of receiving the Department's citation.

If the employee files a civil action, the employer and any officer, vice principal, or agent of the employer is liable for double the amount of unpaid wages, plus reasonable attorneys' fees and costs, if the employer willfully and with the intent to deprive the employee of wages, paid the employee a lower wage than required, or if the employer unlawfully collected a rebate of any part of the employee's wages. However, this double damage provision is not available to an employee who knowingly submitted to the wage violation.

Summary of Bill:

The statute providing double damages in a civil action is amended. An employer and any officer, vice principal, or agent of the employer is liable for triple, rather than double, the amount of the wages withheld. The provision barring an employee from obtaining higher damages if he or she knowingly submitted to the wage violation is removed.

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.