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ENGROSSED SENATE BILL 6058

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State of Washington

69th Legislature

2026 Regular Session

By Senators Saldaña, Conway, Dhingra, Nobles, Orwall, and Trudeau; by request of Department of Labor & Industries

Prefiled 01/09/26. Read first time 01/12/26. Referred to Committee on Labor & Commerce.

1 AN ACT Relating to adding discretion to wage enforcement actions;  
2 and amending RCW 49.48.040 and 49.48.083.

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

4 **Sec. 1.** RCW 49.48.040 and 1987 c 172 s 1 are each amended to  
5 read as follows:

6 (1) The department of labor and industries may:

7 (a) Upon obtaining information indicating an employer may be  
8 committing a violation under this chapter and chapters 39.12(~~(r)~~) and  
9 49.46(~~(r) and 49.48~~) RCW and associated rules, conduct investigations  
10 to ensure compliance with this chapter and chapters 39.12(~~(r)~~) and  
11 49.46(~~(r) and 49.48~~) RCW and associated rules;

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

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

1       (2) When the department orders the payment of all amounts owed  
2 under subsection (1)(b) of this section in an administrative order,  
3 including interest of one percent per month on all wages owed, the  
4 department may also assess penalties under RCW 49.48.083(3). The  
5 amounts and interest owed must be calculated from the first date  
6 amounts were owed to the employee, except that the department may not  
7 order the employer to pay any amounts and interest that were owed  
8 more than three years before the date the department obtained  
9 information indicating an employer may have committed violations  
10 under this chapter and chapters 39.12 and 49.46 RCW or associated  
11 rules. Appeals to administrative orders issued under this section are  
12 conducted pursuant to RCW 49.48.084. Collections of the  
13 administrative orders issued under this section are conducted  
14 pursuant to RCW 49.48.086.

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

24       (~~(3)~~) (4) The director shall have a seal inscribed "Department  
25 of Labor and Industries—State of Washington" and all courts shall  
26 take judicial notice of such seal. Obedience to subpoenas issued by  
27 the director or authorized representative shall be enforced by the  
28 courts in any county.

29       (~~(4)~~) (5) The director or authorized representative shall have  
30 free access to all places and works of labor. Any employer or any  
31 agent or employee of such employer who refuses the director or  
32 authorized representative admission therein, or who, when requested  
33 by the director or authorized representative, (~~(wilfully)~~) willfully  
34 neglects or refuses to furnish the director or authorized  
35 representative any statistics or information pertaining to his or her  
36 lawful duties, which statistics or information may be in his or her  
37 possession or under the control of the employer or agent, shall be  
38 guilty of a misdemeanor.

1       **Sec. 2.** RCW 49.48.083 and 2023 c 243 s 1 are each amended to  
2 read as follows:

3       (1) (a) If an employee files a wage complaint with the department,  
4 the department ~~((shall))~~ may investigate the wage complaint. The  
5 department must establish a written process by which wage complaints  
6 will be prioritized based on factors including, but not limited to,  
7 the harm to the affected employee, the severity of the complaint, the  
8 number of employees potentially affected, and the probability of  
9 retaliation. The department's enforcement priorities must be made  
10 publicly available.

11       (b) Unless otherwise resolved, when the department ~~((shall~~  
12 ~~issue))~~ accepts a complaint, the department shall issue either a  
13 citation and notice of assessment or a determination of compliance no  
14 later than 60 days after the date on which the department  
15 ~~((received))~~ accepted the wage complaint. The department may extend  
16 the time period by providing advance written notice to the employee  
17 and the employer setting forth good cause for an extension of the  
18 time period and specifying the duration of the extension. The  
19 department may not investigate any alleged violation of a wage  
20 payment requirement that occurred more than three years before the  
21 date that the employee filed the wage complaint. The department shall  
22 send the citation and notice of assessment or the determination of  
23 compliance to both the employer and the employee by service of  
24 process or using a method by which the mailing can be tracked or the  
25 delivery can be confirmed to their last known addresses.

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

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

39       (a) A civil penalty for a willful violation of a wage payment  
40 requirement shall be not less than ~~((one thousand dollars))~~ \$1,000 or

1 an amount equal to (~~ten~~) 10 percent of the total amount of unpaid  
2 wages, whichever is greater. The maximum civil penalty for a willful  
3 violation of a wage payment requirement (~~shall be twenty thousand~~  
4 ~~dollars~~) is \$20,000.

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

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

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

26 (e) The department shall deposit civil penalties paid under this  
27 section in the supplemental pension fund established under RCW  
28 51.44.033.

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

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

15 (6) For all wage complaints filed on or after January 1, 2024, if  
16 the department offers the employer the option to resolve a wage  
17 complaint without a citation and notice of assessment, and the  
18 employer chooses to accept the offer, any settlement must include  
19 interest of one percent per month on all amounts owed. The employee  
20 may request a waiver or reduction of interest as part of the  
21 settlement process.

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