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SENATE BILL 5562

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State of Washington

56th Legislature

1999 Regular Session

By Senators Franklin, Winsley, Costa, Fraser, Wojahn, Fairley, Prentice, Jacobsen and Kohl-Welles

Read first time 01/28/1999. Referred to Committee on Labor & Workforce Development.

1 AN ACT Relating to the payment of wages due an employee ceasing to  
2 work; and amending RCW 49.48.010 and 49.48.030.

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

4 **Sec. 1.** RCW 49.48.010 and 1971 ex.s. c 55 s 1 are each amended to  
5 read as follows:

6 (~~When any employee shall cease to work for an employer, whether by~~  
7 ~~discharge or by voluntary withdrawal, the wages due him on account of~~  
8 ~~his employment shall be paid to him at the end of the established pay~~  
9 ~~period: PROVIDED, HOWEVER, That this paragraph~~) (1) When an employer  
10 discharges or lays off an employee or when such employment is  
11 terminated by mutual agreement, all wages earned and unpaid at the time  
12 of discharge, layoff, or termination shall become due and payable by  
13 the end of the first day after the discharge, layoff, or termination.

14 (2) When an employee quits employment after giving the employer not  
15 less than forty-eight hours' notice of intention to quit employment,  
16 all wages earned and unpaid at the time of quitting shall become due  
17 and payable immediately.

18 (3) However, when an employee quits employment without giving the  
19 employer at least forty-eight hours' notice of intent to quit

1 employment, all wages earned and unpaid at the time of quitting shall  
2 become due and payable by forty-eight hours after the employee has  
3 quit, or at the next regularly scheduled payday after the employee has  
4 quit, whichever event occurs first.

5 (4) This section shall not apply:

6 (a) When workers are engaged in an employment that normally  
7 involves working for several employers in the same industry  
8 interchangeably, and the several employers or some of them cooperate to  
9 establish a plan for the weekly payment of wages at a central place or  
10 places and in accordance with a unified schedule of paydays providing  
11 for at least one payday each week; but this subsection shall not apply  
12 to any such plan until ten days after notice of their intention to set  
13 up such a plan shall have been given to the director of labor and  
14 industries by the employers who cooperate to establish the plan; and  
15 having once been established, no such plan can be abandoned except  
16 after notice of their intention to abandon such plan has been given to  
17 the director of labor and industries by the employers intending to  
18 abandon the plan(~~(: PROVIDED FURTHER, That the duty to pay an employee~~  
19 ~~forthwith shall not apply))~~); or

20 (b) If the labor-management agreement under which the employee has  
21 been employed provides otherwise.

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

24 ~~((+1))~~ (a) Required by state or federal law; or

25 ~~((+2))~~ (b) Specifically agreed upon orally or in writing by the  
26 employee and employer; or

27 ~~((+3))~~ (c) For medical, surgical or hospital care or service,  
28 pursuant to any rule or regulation: PROVIDED, HOWEVER, That the  
29 deduction is openly, clearly and in due course recorded in the  
30 employer's books and records.

31 ~~((Paragraph three))~~ Subsection (5) of this section shall not be  
32 construed to affect the right of any employer or former employer to sue  
33 upon or collect any debt owed to ((said)) the employer or former  
34 employer by ((his)) any employee((s)) or former employee((s)).

35 (6) If an employer fails to pay any wages, salary, or compensation  
36 of any employee whose employment ceases, as provided in RCW 49.48.010,  
37 then the wages, salary, or compensation of the employee shall continue  
38 from the due date at the same hourly rate for eight hours per day until  
39 paid or until action therefor is commenced. In no case shall such

1 wages, salary, or compensation continue for more than thirty days from  
2 the due date. The penalties imposed in this section are in addition  
3 to, and not in lieu of, any other penalties, civil or criminal,  
4 provided by law.

5 If the wages, salary, or compensation of an employee are computed  
6 at a rate other than an hourly rate, this rate shall be reduced to an  
7 hourly rate for penalty computation purposes by dividing the total  
8 wages earned while employed or the total wages earned in the last  
9 thirty days of employment, whichever is less, by the total number of  
10 hours worked during the corresponding time period.

11 **Sec. 2.** RCW 49.48.030 and 1971 ex.s. c 55 s 3 are each amended to  
12 read as follows:

13 In any action in which any person is successful in recovering  
14 judgment for wages or salary owed to him, (~~reasonable attorney's fees,~~  
15 ~~in an amount to be determined by the court,~~) the costs of suit and a  
16 reasonable sum for attorneys' fees shall be assessed against ((said))  
17 the employer or former employer(~~(:— PROVIDED, HOWEVER, That this~~  
18 ~~section shall not apply if the amount of recovery is less than or equal~~  
19 ~~to the amount admitted by the employer to be owing for said wages or~~  
20 ~~salary)).~~

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