

5462-S

Sponsor(s): Senate Committee on Commerce & Trade (originally sponsored by Senators Mulliken, Honeyford, Hale, Hewitt, T. Sheldon, Swecker and McCaslin)

Brief Description: Adopting federal definitions for state wage and hour laws. Revised for 1st Substitute: Regarding state wage and hour laws.

SB 5462-S - DIGEST

(AS OF SENATE 2ND READING 3/18/03)

Declares that all terms, provisions, rights, and obligations in chapter 49.46 RCW shall be given the same meaning as given to comparable terms, provisions, rights, and obligations under federal law, 29 U.S.C. Secs. 202 through 262, and the regulations and statements of general policy and interpretation applying and interpreting those terms issued by the United States department of labor.

Provides that an employer found to have violated a provision requiring payment of wages under chapter 49.46 RCW in a citation or notice of assessment issued by the director of labor and industries or the director's authorized representative: Must pay any wages due to the employee and may be assessed a civil penalty of not less than one hundred dollars and not more than one thousand dollars per employee who is owed wages. The department shall not impose more than one civil penalty per employee who is owed wages regardless of the duration of the violation or number of provisions violated. A subsequent civil penalty may be issued for a repeat violation that follows the exhaustion of appeals by the employer for a first violation.

Provides that, in any action or proceeding based on any act or omission on or after the effective date of this act, no employer is subject to liability or punishment for or on account of the failure of the employer to pay minimum wages or overtime compensation under Title 49 RCW if the employer pleads and proves that the act or omission complained of was in good faith in conformity with and in reliance on any written administrative rule, order, ruling, approval, or interpretation of the department, or any administrative practice or enforcement policy of the department with respect to the class of employers to which the employer belonged.