SHB 1311 - H AMD
By Representative _____

1   On page 1, beginning on line 14, strike all of subsection (3)

2   Renumber the remaining subsection consecutively and correct any
3   internal references accordingly.

4   On page 2, line 3, after "WAGES" STRIKE "; PROMPT PAYMENT OF
5   FINAL WAGES"

6   On page 5, line 32, after "employee, and" insert ", subject to
7   subsection (3) of this section,"

8   On page 6, beginning on line 4, strike all of subsections (2)
9   and (3) and insert the following:

10   "(2) Civil penalties under this section may be assessed only
11   if:
12   (a) The director determines that the violation was a willful
13   violation; and
14   (b) (i) The director determines that the violation was a repeat
15   violation. For purposes of this subsection, a repeat violation
16   means a second or additional alleged violation of a wage payment
17   requirement where the department has previously provided notice to
18   the employer that the employer was allegedly in violation of a wage
19   payment requirement or where a previous finding of violation has
20   been issued;
21   (ii) The director determines that the violation was due to the
22   employer not acting in good faith. For purposes of this subsection
23   and subsection (4) of this section, "good faith" includes whether
24   the   employer   reasonably   relied   upon   an   interpretive   or
25   administrative policy issued by the department and published with
26   the office of the code reviser pursuant to chapter 34.05 RCW; or

1   (iii) The employer fails, within thirty days of the
2 department's issuance of a citation or notice of assessment, to
3 either pay the wages and interest owed or appeal the citation or
4 notice of assessment as provided in section 7 of this act."

5   Renumber the remaining subsections consecutively and correct
6 any internal references accordingly.

7   On page 10, line 19, after "payment" strike "and recordkeeping"

        <u>EFFECT:</u> Specifies that penalties for wage payment violations
        may be assessed only if the director of the Department of Labor
        and Industries determines that such violations were willful.

        Eliminates penalties for recordkeeping violations, and strikes
        all references to recordkeeping requirements.

        Makes a technical correction to a caption.