
SENATE BILL 5823

State of Washington

59th Legislature

2005 Regular Session

By Senators Kohl-Welles, Jacobsen and Kline

Read first time 02/08/2005. Referred to Committee on Labor, Commerce, Research & Development.

1 AN ACT Relating to requiring prompt payment of final wages; and
2 amending RCW 49.48.010.

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 (1)(a) When any employee shall cease to work for an employer,
7 whether by discharge or by voluntary withdrawal, the wages due ~~((him on~~
8 ~~account of his employment))~~ shall be paid to ~~((him at the end of the~~
9 ~~established pay period: PROVIDED, HOWEVER, That this paragraph))~~ the
10 employee within twenty-four hours of the cessation of such work at the
11 usual pay location of the employer.

12 (b) An employer that fails to pay wages as required by (a) of this
13 subsection is liable for one hundred dollars in liquidated damages for
14 each day for which the wages remain unpaid in addition to any other
15 available legal remedies.

16 (2) Subsection (1) of this section shall not apply:

17 (a) When workers are engaged in an employment that normally
18 involves working for several employers in the same industry
19 interchangeably, and the several employers or some of them cooperate to

1 establish a plan for the weekly payment of wages at a central place or
2 places and in accordance with a unified schedule of paydays providing
3 for at least one payday each week; but this subsection shall not apply
4 to any such plan until ten days after notice of their intention to set
5 up such a plan shall have been given to the director of labor and
6 industries by the employers who cooperate to establish the plan; and
7 having once been established, no such plan can be abandoned except
8 after notice of their intention to abandon such plan has been given to
9 the director of labor and industries by the employers intending to
10 abandon the plan(~~(: PROVIDED FURTHER, That the duty to pay an employee~~
11 ~~forthwith shall not apply))); or~~

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

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

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

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

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

23 ~~((Paragraph three))~~ (4) Subsection (3) of this section shall not be
24 construed to affect the right of any employer or former employer to sue
25 upon or collect any debt owed to ~~((said))~~ the employer or former
26 employer by ~~((his))~~ any employee~~((s))~~ or former employee~~((s))~~.

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