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ENGROSSED SUBSTITUTE HOUSE BILL 1211

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State of Washington

64th Legislature

2015 Regular Session

By House Labor (originally sponsored by Representatives G. Hunt, Reykdal, Sawyer, Manweller, Vick, S. Hunt, and Buys)

READ FIRST TIME 02/12/15.

1 AN ACT Relating to fees and costs related to methods of wage  
2 payment; and 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 2010 c 8 s 12047 are each amended to  
5 read as follows:

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

1 director of labor and industries by the employers intending to  
2 abandon the plan: PROVIDED FURTHER, That the duty to pay an employee  
3 forthwith shall not apply if the labor-management agreement under  
4 which the employee has been employed provides otherwise.

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

7 ~~((1))~~ (i) Required by state or federal law; or

8 ~~((2))~~ (ii) Specifically agreed upon orally or in writing by the  
9 employee and employer; or

10 ~~((3))~~ (iii) For medical, surgical, or hospital care or service,  
11 pursuant to any rule or regulation: PROVIDED, HOWEVER, That the  
12 deduction is openly, clearly, and in due course recorded in the  
13 employer's books and records.

14 ~~((Paragraph three))~~ Subsection (2)(a) of this section shall not  
15 be construed to affect the right of any employer or former employer  
16 to sue upon or collect any debt owed to said employer or former  
17 employer by his or her employees or former employees.

18 (b)(i) An employer must offer a method of wage payment that  
19 allows an employee to obtain any part of or all of his or her wages  
20 in legal tender of the United States without any fees or costs for  
21 the transaction. The following are not fees or costs under this  
22 subsection:

23 (A) A check-cashing fee imposed by a person or entity other than  
24 the employer;

25 (B) A fee or cost imposed by a person or entity other than the  
26 employer, or other than a person or entity engaged by the employer,  
27 for purposes of direct deposit of wages in an institution of the  
28 employee's choosing and at the employee's request.

29 (ii) An employer who credits employee wages to a payroll card  
30 account must offer an employee at least one other method of receiving  
31 wages that does not require the employee to maintain or open an  
32 account for purposes of direct deposit. However, direct deposit is  
33 permitted as the other method if the employee requests direct  
34 deposit.

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