
Labor & Workplace Standards Committee

HB 1302

Brief Description: Providing damages for wage violations.

Sponsors: Representatives Frame, Gregerson, Peterson, Macri, Ryu, Jenkins, Goodman, Stanford, Ormsby, Santos and Farrell.

Brief Summary of Bill

- Provides that an employer that unlawfully collects a rebate from an employee's wages or willfully and intentionally deprives an employee of wages, is liable in a civil action for triple, rather than double, the amount of wages owed.
- Removes the provision barring an employee from obtaining higher damages when the employee knowingly submitted to the wage violation.

Hearing Date: 1/23/17

Staff: Trudes Tango (786-7384).

Background:

The state Minimum Wage Act, Wage Payment Act, and other laws establish standards for the payment of wages. Generally, it is unlawful for an employer to withhold an employee's wages or to willfully pay an employee less than the employer is required to pay.

If the employer fails to pay an employee wages owed, the employee may file a wage complaint with the Department of Labor and Industries (Department) or bring a civil action in court.

If the employee files an administrative wage complaint, the Department must investigate. If the Department determines that the employer's wage violation was willful, the Department may, under certain circumstances, order the employer to pay a civil penalty. "Willful" means a knowing and intentional act that is neither accidental nor the result of a bona fide dispute.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

If the employee files a civil action, the employee may be entitled to damages under certain circumstances. An employer and any officer, vice principal, or agent is liable for double the amount of unpaid wages, plus reasonable attorneys' fees and costs, if the employer willfully and intentionally deprived the employee of wages or unlawfully collected a rebate of the employee's wages. However, double damages, reasonable attorneys' fees, and costs are not available to an employee who has knowingly submitted to the wage violation.

Summary of Bill:

The statute providing double damages in a civil action is amended. An employer and any officer, vice principal, or agent that willfully and intentionally deprives an employee of wages or that unlawfully collects a rebate of wages from an employee is liable for triple, rather than double, the amount of the wages withheld. The provision barring an employee from obtaining higher damages if he or she knowingly submitted to the wage violation is removed.

Appropriation: None.

Fiscal Note: Available.

Effective Date: The bill takes effect 90 days after adjournment of the session in which the bill is passed.