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**SUBSTITUTE SENATE BILL 5263**

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**State of Washington**

**62nd Legislature**

**2011 Regular Session**

**By** Senate Labor, Commerce & Consumer Protection (originally sponsored by Senators Keiser, Kohl-Welles, and Conway)

READ FIRST TIME 02/07/11.

1       AN ACT Relating to leave enforcement under the family care act; and  
2 amending RCW 49.12.280 and 49.12.285.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

4       **Sec. 1.** RCW 49.12.280 and 1988 c 236 s 4 are each amended to read  
5 as follows:

6       The department shall administer ~~((and))~~, investigate, and enforce  
7 violations of RCW 49.12.270 and ~~((49.12.275))~~ 49.12.287.

8       **Sec. 2.** RCW 49.12.285 and 1988 c 236 s 5 are each amended to read  
9 as follows:

10       The department may issue a notice of infraction if the department  
11 reasonably believes that an employer has failed to comply with RCW  
12 49.12.270 or ~~((49.12.275))~~ 49.12.287. The form of the notice of  
13 infraction shall be adopted by rule pursuant to chapter 34.05 RCW. An  
14 employer who is found to have committed an infraction under RCW  
15 49.12.270 or ~~((49.12.275))~~ 49.12.287 may be assessed a monetary penalty  
16 not to exceed two hundred dollars for each violation. An employer who  
17 repeatedly violates RCW 49.12.270 or ~~((49.12.275))~~ 49.12.287 may be  
18 assessed a monetary penalty not to exceed one thousand dollars for each

1 violation. For purposes of this section, (~~the failure to comply with~~  
2 ~~RCW 49.12.275 as to an employee or~~) the failure to comply with RCW  
3 49.12.270 as to a period of leave sought by an employee, or RCW  
4 49.12.287 shall each constitute separate violations. An employer has  
5 twenty days to appeal the notice of infraction. Any appeal of a  
6 violation determined to be an infraction shall be heard and determined  
7 by an administrative law judge. Monetary penalties collected under  
8 this section shall be deposited into the general fund. Nothing in this  
9 section shall be construed to limit or affect the right of any employee  
10 to pursue any judicial, administrative, or other action available with  
11 respect to an employer.

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