

WAC 296-130-060 Notices of infraction. The department may issue a notice of infraction to an employer who violates RCW 49.12.270 through 49.12.295. The employment standards supervisor will direct that notices of infraction contain the following when issued:

(1) A statement that the notice represents a determination that the infraction has been committed by the employer named in the notice and that the determination will be final unless contested;

(2) A statement that the infraction is a noncriminal offense for which imprisonment will not be imposed as a sanction;

(3) A statement of the specific violation which necessitated issuance of the infraction;

(4) A statement of the penalty involved if the infraction is established;

(5) A statement informing the employer of the right to a hearing conducted pursuant to chapter 34.05 RCW if requested within twenty days of issuance of the infraction;

(6) A statement that at any hearing to contest the notice of infraction the state has the burden of proving, by a preponderance of the evidence, that the infraction was committed, and that the employer may subpoena witnesses including the agent that issued the notice of infraction;

(7) If a notice of infraction is personally served upon a supervisory or managerial employee of a firm or corporation, the department will within ten days of service send a copy of the notice by certified mail to the employer; and

(8) Constructive service may be made by certified mail directed to the employer named in the notice of infraction.

[Statutory Authority: RCW 49.12.033, 49.12.280, 49.12.285, 43.22.270, 2002 c 243, and chapters 49.12 and 43.22 RCW. WSR 03-03-010, § 296-130-060, filed 1/6/03, effective 1/6/03. Statutory Authority: RCW 43.22.270 and 1988 c 236. WSR 88-18-044 (Order 88-20), § 296-130-060, filed 8/31/88.]