WAC 296-137-070 Investigations and enforcement. (1) The department must investigate if a complaint is filed with the department alleging a violation of RCW 49.60.515 or associated rules, or if the department has reason to believe that an employer has committed a violation of RCW 49.60.515 or associated rules.

(a) Except when a violation is otherwise resolved, the department must issue:

(i) A citation assessing a civil penalty under this chapter if it finds a violation has occurred; or

(ii) A closure letter detailing any findings if it finds that a violation cannot be substantiated.

(b) The notice of a citation or closure letter must be sent to the employer by service of process or using a method by which the mailing can be tracked or the delivery can be confirmed to the last known address.

(2) During an investigation, if the department discovers information suggesting additional violations of any other protections enforced by the department under Title 49 RCW or any associated rules, the department may investigate and take appropriate enforcement action without any additional complaint. The department may also initiate an investigation on behalf of one or more isolated employees for a violation of RCW 49.60.515 or any associated rules, when the director otherwise has reason to believe that a violation has occurred or will occur.

(3) The department may conduct a consolidated investigation for any alleged violations identified under RCW 49.60.515 or associated rules, when there are common questions of law or fact involving isolated employees. If the department consolidates such matters into a single investigation, it will provide notice to the employer.

(4) The department may, for the purposes of enforcing RCW 49.60.515 or any associated rules, issue subpoenas to compel the attendance of witnesses or parties and the production of documents, administer oaths and examine witnesses under oath, take depositions, and seek affidavits or other verifications. The department may request an employer perform a self-audit of any records, which must be provided within a reasonable time. Reasonable timelines will be specified in the self-audit request. The records examined by the employer in order to perform the self-audit must be made available to the department upon request.

(5) Upon the department's request, an employer must notify employees that the department is conducting an investigation. The department may require the employer to include a general description of each investigation as part of the notification, including the allegations and whether the employee may be affected. The department may consult with the employer to provide the information for the description.

[Statutory Authority: Chapter 49.60 RCW. WSR 26-01-099, s 296-137-070, filed 12/16/25, effective 1/16/26.]