Chapter 49.40 RCW
SEASONAL LABOR

Sections

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RCW 49.40.010 Seasonal labor defined. For the purpose of this chapter the term "seasonal labor" shall include all work performed by any person employed for a period of time greater than one month and where the wages for such work are not to be paid at any fixed interval of time, but at the termination of such employment, and where such person is hired within this state for work to be performed outside the state and the wages earned during said employment are to be paid in this state at the termination of such employment: PROVIDED, That this chapter shall not apply to wages earned by seamen or other persons where the payment of their wages is regulated by federal statutes. [1919 c 191 s 1; RRS s 7603.]

RCW 49.40.020 Contracts to be in writing—Advances. Every contract for seasonal labor shall be in writing and signed by the employer and the employee, and may provide for advances of moneys to be earned under such contract or for the furnishing of supplies to the employee before the wages are earned, and for the payment of money or the furnishing of supplies during the season. [1919 c 191 s 2; RRS s 7604.]

RCW 49.40.030 Fraud in securing advances—Penalty. Every employee who with intent to defraud shall have secured advances of money or supplies under a contract for seasonable labor and who with intent to defraud shall wilfully fail to perform sufficient labor to compensate for such advances and supplies made under such contract shall be guilty of a gross misdemeanor. [1919 c 191 s 3; RRS s 7605.]

RCW 49.40.040 Disputes determined by director of labor and industries. Upon the written petition of either the employer or the employee setting forth in ordinary and concise language the facts and questions in dispute, the director of labor and industries shall, in person or by his or her duly authorized deputy, and is hereby authorized to hear and determine all disputes concerning wages earned at seasonal labor, and allow or reject deductions made from such wages for moneys advanced or supplies furnished before the wages are earned for money paid or supplies furnished during the season or for money paid to third persons upon the written order of the employee. [2010 c 8 s 12033; 1919 c 191 s 4; RRS s 7606.]

RCW 49.40.050 Hearings. Upon the filing of any such petition, the director of labor and industries shall notify the other party to the dispute of the time and place when and where such petition will be heard, and may set said petition for a hearing before a regularly appointed deputy at such place in the state as he or she shall determine is most convenient for the parties, and the director or his or her deputy shall have power and authority to issue subpoenas to compel the attendance of witnesses and the production of books, papers, and records at such hearing, and to administer oaths. Obedience to such subpoenas shall be enforced by the courts of the county where such hearing is held. [2010 c 8 s 12034; 1919 c 191 s 5; RRS s 7607.]

RCW 49.40.060 Findings and award. The director of labor and industries, or his or her deputy holding the hearing shall, after such hearing, determine the amount due from the employer to the employee, and shall make findings of fact and an award in accordance therewith, which findings and award shall be filed in the office of the director and a copy thereof delivered to the employer and the employee using an electronic or nonelectronic method by which the findings and award can be tracked or the delivery can be confirmed directed to their last known address. Before using an electronic method for the first time under this section, the director or his or her deputy must provide the employer and the employee the option to receive communication through a nonelectronic method. [2026 c 77 s 19; 2011 c 301 s 15; 2010 c 8 s 12035; 1919 c 191 s 6; RRS s 7608.]

RCW 49.40.070 Appeal. Any person aggrieved by the finding or award of the director of labor and industries has the right of appeal in the manner provided in chapter 34.05 RCW. [1987 c 202 s 217; 1919 c 191 s 7; RRS s 7609.]

Intent—1987 c 202: See note following RCW 2.04.190.

RCW 49.40.080 Findings and award as evidence. In case no appeal is taken from the award of the director of labor and industries and suit shall be brought upon the contract for seasonal labor in any court of competent jurisdiction, the findings and award of the director made in any proceeding under this chapter at a hearing at which both parties to such suit shall have appeared may be introduced in evidence in such suit, for the information of the court in which the suit is pending, and may, in the discretion of the court, be submitted to the jury as a part of the evidence in the case; but such findings and award shall not be conclusive or binding upon the court or the jury in any such case. [1919 c 191 s 8; RRS s 7610.]