

RCW 50A.40.030 Damages. (1) Any employer who violates RCW 50A.40.010 is liable for damages.

(2) Damages are owed to the employee and must be paid by the employer to the employee directly.

(3) (a) Damages include:

(i) Any wages, salary, employment benefits, or other compensation denied or lost to such employee by reason of the violation; or

(ii) In a case in which wages, salary, employment benefits, or other compensation have not been denied or lost to the employee, any actual monetary losses sustained by the employee as a direct result of the violation, such as the cost of providing care, up to a sum equal to wages or salary for the employee for up to sixteen weeks, or eighteen weeks if the employee experiences a serious health condition with a pregnancy that results in incapacity.

(b) Any employer who violates RCW 50A.40.010 is also liable for interest accrued on the damages assessed in this subsection.

(4) For a willful violation, the employer is also liable for an additional amount as liquidated damages equal to the sum of the amount described in subsection (3) (a) of this section and the interest described in subsection (3) (b) of this section. For purposes of this section, "willful" means a knowing and intentional action that is neither accidental nor the result of a bona fide dispute. All liquidated damages are owed to the employee and must be paid to the employee directly.

(5) Interest in this section is calculated at the prevailing rate. [2020 c 125 s 13; 2019 c 13 s 18; 2017 3rd sp.s. c 5 s 74. Formerly RCW 50A.04.100.]