

WAC 296-123-090 Complaint by employee—Investigation by director.

(1)(a) An employee or applicant may file a complaint with the department alleging a violation under chapter 49.58 RCW or this chapter within four years of the date of the last alleged violation.

(b) Former employees may file a complaint with the department for alleged violations that occurred while working for the employer, even if the employee is not currently employed by the employer.

(2) Upon complaint by an employee or applicant, the director must investigate to determine if there has been compliance with chapter 49.58 RCW and this chapter. The director, upon complaint, may also initiate an investigation on behalf of one or more employees or applicants for a violation of chapter 49.58 RCW and this chapter. The director may require the testimony of witnesses and production of documents as part of an investigation.

(3) The director may initiate an investigation without a complaint to ensure compliance with this chapter. The director may also initiate an investigation when the director otherwise has reason to believe that a violation has occurred.

(4) The director may investigate and gather data regarding the wages, hours, and other conditions and practices of employment in any industry subject to this chapter, and may enter and inspect such places and such records (and make such transcriptions thereof), question such employees, and investigate such facts, conditions, practices, or matters as they may deem necessary or appropriate to determine whether any person has violated any provision of this chapter, or which may aid in the enforcement of the provisions of this chapter.

(5) An employer who fails to allow adequate inspection of records in an inspection by the department within a reasonable time period may not use such records in any appeal to challenge the correctness of any citation and notice issued by the department.

(6) The department may request an employer perform a self-audit of any records relating to chapter 49.58 RCW and associated rules which must be provided within a reasonable time. Reasonable timelines will be specified in the self-audit request. The department must determine reasonable time based on the number of affected employees and the period of time covered by the self-audit. The records examined by the employer in order to perform the self-audit must be made available to the department upon request.

(7) The department may conduct a consolidated investigation for any alleged violation identified under chapter 49.58 RCW, or associated rules, when there are common questions of law or fact. If the department consolidates such matters into a single investigation, it will provide notice to the employer.

[Statutory Authority: RCW 49.58.090. WSR 25-11-081, s 296-123-090, filed 5/21/25, effective 7/1/25.]