

**WAC 296-123-100 Resolving the violation.** (1)(a) If, following an investigation, the director determines that a violation of WAC 296-123-020, 296-123-030, 296-123-040, 296-123-050, or 296-123-070 has occurred, the director shall attempt to resolve the violation by conference and conciliation.

(b) If no agreement is reached to resolve a violation under (a) of this subsection, or if the director finds a violation of WAC 296-123-065, the director may issue a citation and notice of assessment and order:

(i) The employer to pay to the complainant actual damages;

(ii) The employer to pay to the complainant statutory damages equal to the actual damages or \$5,000, whichever is greater;

(iii) Interest of one percent per month on all compensation owed until the balance is paid in full;

(iv) Payment to the department of the costs of investigation and enforcement; and

(v) Any other appropriate relief including, but not limited to:

(A) Ordering an employer to correct, revise, or update a policy or practice.

(B) Order the employer to restore the employee to the position of employment held by the employee when the retaliation occurred, or restore the employee to an equivalent position with equivalent employment hours, work schedule, benefits, pay, and other terms and conditions of employment for violations of WAC 296-123-070.

(2) If the investigation finds that the complainant's allegation cannot be substantiated, the department shall issue a closure letter to the complainant and the employer detailing such finding.

(3) Any wages and interest owed must be calculated from the last violation before the complaint, up to a period of four years.

(4) In addition to the citation and notice of assessment, the director may order payment to the department of a civil penalty. For purposes of a civil penalty the violation as to each affected employee or applicant constitutes a separate violation.

(a) For a first violation, the civil penalty may not exceed \$500.

(b) For a repeat violation, the civil penalty may not exceed \$1,000 or 10 percent of the damages, whichever is greater.

(5) The department must deposit civil penalties paid under this section in the supplemental pension fund established under RCW 51.44.033.

[Statutory Authority: RCW 49.58.090 and 49.58.110. WSR 26-09-116 (Order 25-19), s 296-123-100, filed 4/21/26, effective 5/22/26. Statutory Authority: RCW 49.58.090. WSR 25-11-081, s 296-123-100, filed 5/21/25, effective 7/1/25.]