

including that of his or her spouse or cotenant, does not exceed the amount specified in RCW 70.164.020(4).

Passed the Senate February 7, 1990.

Passed the House March 2, 1990.

Approved by the Governor March 23, 1990.

Filed in Office of Secretary of State March 23, 1990.

## CHAPTER 165

[Senate Bill No. 6399]

### SUPPORT ENFORCEMENT—EMPLOYER COOPERATION

AN ACT Relating to employer cooperation with the office of support enforcement; amending RCW 26.23.080 and 26.23.090; and prescribing penalties.

Be it enacted by the Legislature of the State of Washington:

**\*Sec. 1. Section 9, chapter 435, Laws of 1987 and RCW 26.23.080 are each amended to read as follows:**

~~((No employer shall discipline or discharge an employee or refuse to hire a person by reason of an action authorized in this chapter. If an employer disciplines or discharges an employee or refuses to hire a person in violation of this section, the employee or person shall have a cause of action against the employer. The employer shall be liable for double the amount of lost wages and any other damages suffered as a result of the violation and for costs and reasonable attorney fees, and shall be subject to a civil penalty of not more than two thousand five hundred dollars for each violation.))~~ (1) The legislature finds that most employers are supportive of the state's efforts to collect child support payments and are willing to assist the state in the collection of these payments as required by RCW 26.23.060. The legislature further finds that employers serve the public interest by employing persons who are attempting to comply with the ordered payment of child support in fulfillment of the provisions of RCW 26.23.060 and by helping with the collection of those obligations. It is the legislature's intent that employers be encouraged to hire and retain such persons, and that the office of support enforcement cooperate with and provide assistance to employers who wish to hire and retain such persons and who wish to help with such collection.

(2) It is unlawful for an employer to discipline or discharge an employee or refuse to employ any individual because of the existence of a withholding obligation under RCW 26.23.060. If an employer violates the provisions of this section, an employee may bring a civil action for the recovery of lost wages and other damages suffered as a result of the violation and for costs and reasonable attorneys' fees. The court may fine the employer for a violation of this section in an amount not to exceed two hundred fifty dollars. The

*employer may also be ordered to hire, rehire, or reinstate the aggrieved individual.*

\*Sec. 1 was vetoed, see message at end of chapter.

Sec. 2. Section 10, chapter 435, Laws of 1987 and RCW 26.23.090 are each amended to read as follows:

(1) The employer shall be liable to the Washington state support registry for one hundred percent of the amount of the support debt, or the amount of support moneys which should have been withheld from the employee's earnings, whichever is the lesser amount, if the employer:

(a) Fails or refuses, after being served with a notice of payroll deduction, to deduct and promptly remit from unpaid earnings the amounts of money required in the notice; ((or))

(b) Fails or refuses to submit an answer to the notice of payroll deduction after being served; or

(c) Is unwilling to comply with the other requirements of RCW 26.23.060.

(2) Liability may be established in superior court or may be established pursuant to RCW 74.20A.270. Awards in superior court and in actions pursuant to RCW 74.20A.270 shall include costs, interest under RCW 19.52.020 and 4.56.110, and reasonable attorney fees and staff costs as a part of the award. Debts established pursuant to this section may be collected pursuant to chapter 74.20A RCW utilizing any of the remedies contained in that chapter.

Passed the Senate March 5, 1990.

Passed the House March 2, 1990.

Approved by the Governor March 23, 1990, with the exception of certain items which were vetoed.

Filed in Office of Secretary of State March 23, 1990.

Note: Governor's explanation of partial veto is as follows:

"I am returning herewith, without my approval as to section 1, Senate Bill No. 6399 entitled:

"AN ACT Relating to employer cooperation with the office of support enforcement."

Section 1 dramatically reduces the sanctions against employers who unlawfully penalize a person who pays child support through wage assignment.

Employers have cooperated well with wage assignment statutes, and there has been no indication that the existing sanctions have been abused to the detriment of employers.

Employee protections were established in furtherance of public policy that encourages and protects persons who pay their child support. Children also benefit when persons supporting them are protected from arbitrary actions by employers.

With the exception of section 1, Senate Bill No. 6399 is approved."