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### OVERTIME

Washington has a minimum wage law, which also covers overtime. The law states that no employer shall employ any employees for a work week longer than forty hours unless the employee receives compensation not less than one and one-half times the regular rate. If the employer willfully deprives an employee of wages due, or pays a lower wage than that which the employer is obligated to pay by statute, ordinance or contract, the employer may be subject to civil liability of twice the amount of wages unlawfully withheld, plus costs of suit and a reasonable attorney fee. The nonpayment must be known and intentional by the employer, rather than a bonafide dispute as to the obligation of payment.

However, questions arise on several fronts. For example, what happens if employer and employee keep poor records? Generally, the employee has the burden of showing that overtime was worked; then the burden switches to the employer to prove the contrary. Lack of exact records is not a defense to overtime claims.

Another issue concerns statute of limitations. Generally the statute will be two years, but in some willful violations the statute is three years.

Employers should also consider the Federal Labor Standards Act, which will have at least persuasive authority in Washington state courts.

Other causes of action in employment issues include wrongful discharge, breach of contract, and civil rights claims, not to mention sex, age, disability, and other forms of discrimination.

Employee handbooks can help in defining expectations between employers and employees, and note the at-will nature of Washington employment.