

**Chapter 192-570 WAC
DISPUTE RESOLUTION**

NEW SECTION

WAC 192-570-010 Conference and conciliation. (1)(a) The department will engage employers in conference and conciliation when the employer fails to make all required:

- (i) Premium payments;
- (ii) Payments on penalties assessed by the department for the failure to submit required reports; or
- (iii) Payments on penalties assessed by the department for violations related to voluntary plans.

(b) "Conference and conciliation" for the purpose of this chapter means to encourage an amicable resolution of disputes between the employer and the department prior to the issuance of a warning letter.

(2) The department will promptly attempt to contact the employer to engage in conference and conciliation when appropriate under subsection (1) of this section. If the department does not receive a response from the employer by the deadline given, the department will attempt the contact again, for a total of two attempts. A warning letter will be sent to the employer if no contact can be made.

(3)(a) Through conference and conciliation employers will be given an opportunity to provide information and to explain their reasons for failing to meet the department's requirements in subsection (1) of this section. The department will not issue a warning letter if:

- (i) The employer provides good cause;
 - (ii) The department determines that the good cause provided prevented compliance; and
 - (iii) The parties agree to an approved repayment schedule.
- (b) "Good cause" for the purpose of this section means:
- (i) Death or serious illness of one or more persons directly responsible for discharging the employer's duties under Title 50A RCW;
 - (ii) Destruction of the employer's place of business or business records not caused by, or at the direction of, the employer; or
 - (iii) Fraud or theft against the employer.

(4) The burden of proof is on the employer to provide all pertinent facts and evidence or documentation for the department to determine good cause.

(5) Conference and conciliation is only available to employers that meet the requirements of RCW 50A.04.080, 50A.04.090, and 50A.04.655. Those employers that do not meet these requirements will be issued a warning letter without entering conference and conciliation. Penalties and interest will be assessed thereafter under Title 50A RCW and the rules adopted pursuant thereto.

(6) The department will issue a warning letter when:

- (a) The employer does not comply with the approved repayment schedule; or
- (b) A resolution is not reached through conference and conciliation.

NEW SECTION

WAC 192-570-020 Complaints regarding unlawful acts. (1) It is unlawful for an employer to discriminate against any employee for a reason specified in RCW 50A.04.085. When the department receives notification from an employee that discrimination may have occurred the department will investigate the allegation and issue a determination. The determination will include any remedies available under RCW 50A.04.100.

(2) Nothing in the chapter shall be construed to prohibit a private right of action under all applicable laws.