STATE OF WASHINGTON

DEPARTMENT OF LABOR AND INDUSTRIES

P.O. Box 44000 • Olympia, Washington 98504-4000

September 30, 2025

Via E-mail and U.S. Mail

Joseph Lane
1560 Brantingham Rd
Richland, WA 99352
warenews@gmail.com

Kaitlin Loomis, AAG
Travis Alley, AAG
Office of the Attorney General
800 5th Ave, Ste 2000
Seattle, WA 98104
lniseaeservice@atg.wa.gov
kaitlin.loomis@atg.wa.gov
travis.alley@atg.wa.gov
laura.calvimonte@atg.wa.gov
angie.faulkner@atg.wa.gov

School Dist. #400 Benton Co.
dba Richland School District
c/o Kellie Lacey
6972 Keene Rd
West Richland, WA 99353
kellie.lacey@rsd.edu

RE: Joseph Lane
OAH Docket No. 08-2024-LI-02224
Director Order No. 2025-018-WPA

Dear Parties:

Please find the enclosed Director's Order, which is served on the date of mailing. A copy of the Initial Order is enclosed for your convenience.

Sincerely,

Joel Sacks
Director

Enclosures

cc: Judge Dan Gerard
Haley Bobbitt, Tacoma OAH
Anastasia Sandstrom, AAG

DIRECTOR OF THE DEPARTMENT OF LABOR & INDUSTRIES
STATE OF WASHINGTON

In re: JOSEPH LANE Appellant, Appeal of Determination of Compliance No. DOC 175-24 OAH Docket No. 08-2024-LI-02224	No. 2025-018-WPA DIRECTOR'S ORDER RCW 49.48.084(4); RCW 34.05

Joel Sacks, Director of the Washington State Department of Labor & Industries, having considered the appeal filed by the Joseph Lane, briefing submitted to the Director's Office, and having reviewed the record, issues this Director's Order.

The Director makes the following Findings of Fact, Conclusions of Law, and Final Decision and Order.

///

///

///

///

///

///

I. FINDINGS OF FACT

1. The Office of Administrative Hearings issued and served the Initial Order on March 24, 2025.

2. The Director received a timely filed notice of appeal from Lane.

II. CONCLUSIONS OF LAW

1. Based on the Appellant's timely filed petition for review, there is authority to review and decide this matter under RCW 49.48.084 and RCW 34.05.

2. A worker can file a complaint alleging a violation of wage payment requirement. RCW 49.48.083.

3. To successfully contest a Determination of Compliance, the appellant must prove, by a preponderance of the evidence, that the Determination of Compliance is in error. *MacSuga v. County of Spokane*, 97 Wn. App. 435, 445-46, 983 P.2d 1167 (1999).

4. RCW 49.46.130(1) requires an employer to pay its employees time and one-half their hourly rate for all hours worked over forty, in a workweek.

5. A worker is owed payment for their hours worked, which "shall be considered to mean all hours during which the employee is authorized or required by the employer to be on duty on the employer's premises or at a prescribed work place." WAC 296-126-002(8).

6. The doctrine of acquiescence is used in determining whether an employee was permitted to work for the purpose of overtime. An employer who knows *or should have known* that an employee is or was working overtime must comply with the overtime laws. *See Forrester v. Roth's I.G.A. Foodliner, Inc.*, 646 F.2d 413, 414 (9th Cir.1981).

7. This matter is remanded to determine the result under the doctrine of acquiescence. The Administrative Law Judge may adopt or revise any finding or conclusion.

8. The Director does not retain jurisdiction of this matter.

//

//

//

III. DECISION AND ORDER

Consistent with the above Findings of Fact and Conclusion of Law, and the Determination of Compliance is **REMANDED** consistent with this decision.

JOEL SACKS
Director

SERVICE

This Order was served on you the day it was deposited in the United States mail. RCW 34.05.010(19).

APPEAL RIGHTS

Reconsideration. Any party may file a petition for reconsideration. RCW 34.05.470. Any petition for reconsideration must be filed within 10 days of service of this Order and must state the specific grounds on which relief is requested. No matter will be reconsidered unless it clearly appears from the petition for reconsideration that (a) there is material clerical error in the order **or** (b) there is specific material error of fact or law. A petition for reconsideration, together with any argument in support thereof, should be filed by emailing it to directorappeal@lni.wa.gov or by mailing or delivering it directly to Joel Sacks, Director of the Department of Labor and Industries, P. O. Box 44001 Olympia, Washington 98504-4001, with a copy to all other parties of record and their representatives. Filing means actual receipt of the document at the Director's Office. RCW 34.05.010(6).

NOTE: A petition for reconsideration is not required before seeking judicial review. If a petition for reconsideration is filed, however, the 30-day period will begin to run upon the resolution of that petition. A timely filed petition for reconsideration is deemed to be denied if, within twenty (20) days from the date the petition is filed, the Director does not (a) dispose of the petition **or** (b) serve the parties with a written notice specifying the date by which it will act on the petition. RCW 34.05.470(3).

Judicial Review. Any petition for judicial review must be filed with the appropriate court and served within 30 days after service of this Order. RCW 34.05.542. RCW 49.48.084(5) provides: "Orders that are not appealed within the time period specified in this section and Chapter 34.05 RCW are final and binding, and not subject to further appeal." Proceedings for judicial review may be instituted by filing a petition in superior court according to the procedures specified in chapter 34.05 RCW, Part V, Judicial Review and Civil Enforcement.

DECLARATION OF MAILING

I, Lisa Deck, hereby declare under penalty of perjury under the laws of the State of Washington, that the **DIRECTOR'S ORDER** was mailed and e-mailed on the date listed below to the following via regular mail, postage prepaid:

Joseph Lane
1560 Brantingham Rd
Richland, WA 99352
warenews@gmail.com

Kaitlin Loomis, AAG
Travis Alley, AAG
Office of the Attorney General
800 5th Ave, Ste 2000
Seattle, WA 98104
lniseaeservice@atg.wa.gov
kaitlin.loomis@atg.wa.gov
travis.alley@atg.wa.gov
laura.calvimonte@atg.wa.gov
angie.faulkner@atg.wa.gov

School Dist. #400 Benton Co.
dba Richland School District
c/o Kellie Lacey
6972 Keene Rd
West Richland, WA 99353
kellie.lacey@rsd.edu

DATED this 30 day of September, 2025, at Tumwater, Washington.

Lisa Deck
LISA DECK

WASHINGTON STATE
OFFICE OF ADMINISTRATIVE HEARINGS

In the matter of: Joseph Lane, Appellant/Wage Claimant.	Docket No. 08-2024-LI-02224 **INITIAL ORDER** Agency: Department of Labor & Industries Program: Wage Payments Agency No. DOC-175-24

1. ISSUES:

1.1. Whether Joseph Lane (Appellant/Wage Claimant) can prove by a 'preponderance of the evidence' (more likely than not), the Department of Labor and Industries' 'Determination of Compliance No. DOC-175-24', is in error?

1.2. If so, what wages are owed?

1.3. Whether the Department of Labor & Industries' 'Determination of Compliance No. DOC-175-24', dated May 23, 2024, should be affirmed, modified or set aside?

2. INITIAL ORDER SUMMARY:

2.1. The Appellant/Wage Claimant, Joseph Lane, **failed to prove,** by a 'preponderance of the evidence' the Department of Labor & Industries' 'Determination of Compliance No. DOC-175-24', was in error.

2.2. Since the Appellant failed to prove the Department of Labor & Industries' 'Determination of Compliance No. DOC-175-24', was in error, **no wages are owed.**

2.3. The Department of Labor and Industries' 'Determination of Compliance No. DOC-175-24', dated May 23, 2024, is **affirmed.**

3. EVIDENTIARY HEARING:

3.1. Hearing Date: Wednesday, January 8, 2025

3.2. Closing Briefs: Wednesday, January 22, 2025

3.3. Admin. Law Judge: TJ Martin

3.4. Appellant: Joseph Lane

3.4.1. Representative: The Appellant represented himself.

3.4.2. Witnesses: Joseph Lane, Appellant/Wage Claimant

3.5.	Agency:	Department of Labor & Industries
3.5.1.	Representatives:	Kaitlin Loomis and Travis Alley, Assistant Attorney Generals, for the Department of Labor & Industries
3.5.2.	Witnesses:	Michael Lewis, Department Industrial Relations Agent
		Kellie Lacey, Richland School District Assistant Director of Human Resources
3.6.	Exhibits:	Department Exhibits 1 to 21 admitted without objection. The Appellant did not subject any exhibits.
3.7.	Court Reporter:	Dani Schneeman, Court Reporting
3.8.	Observer:	Chris Chang, OAH Administrative Law Judge

4. FINDINGS OF FACT:

The following facts are established by a 'preponderance of the evidence':

Jurisdiction-

4.1. On May 23, 2024, the Department of Labor & Industries (Department) issued 'Determination of Compliance No. 175-24' (DOC No. 175-24), finding School District #400 Benton County doing business as (dba) Richland School District (Employer/Richland S.D.) did not owe Joseph Lane (Appellant/Wage Claimant/Lane) $237.90 in unpaid, agreed wages for hours worked, on November 24, 2023, and November 26, 2023. *Department Exhibit (Dept. Ex.) 1.*

4.2. On the same day, Lane appealed the Department's Determination. *Dept. Ex. 2.*

Appellant/Wage Claimant Lane's Six Hours of Alleged Overtime-

4.3. In November 2023, at the time of the alleged wage claim violation, Lane worked as a school bus driver for the Richland School District, where he had worked for 12 years. *Testimony of Joseph Lane (Testimony of Lane).*

4.4. His rate of pay was $25.75 per hour, with overtime paid at $38.63. *Testimony of Lane and Dept. Ex. 20; pg. 12.*

4.5. In the fall of 2023, Lane did not have a set schedule. He typically worked from 5:30 a.m. to 5:30 p.m., sometimes working as late as 9:00 p.m., depending on his bus route. *Testimony of Lane.*

4.6. The School District did not assign Lane any specific bus routes each week. He could reject weekly assigned routes, to avoid overtime, if he wanted. However, any routes which took longer than eight hours were billed as 'overtime'. *Testimony of Lane.*

4.7. When driving a school bus, on assigned routes, Lane never had to request or be pre-authorized for overtime. *Testimony of Lane.*

4.8. Lane often averaged over 20 hours of overtime each week. *Testimony of Lane.*

4.9. Lane did not clock in or out each day. Rather, he reported his hours afterward to his immediate supervisor, Kyle Carrier (Carrier). *Testimony of Lane.*

4.10. Lane usually did his timesheets and trainings at home. Hours logged driving were done at home, by logging into the School District website. *Testimony of Lane.*

4.11. Lane did not log his hours worked at work, since there were only two computers for over 100 employees. *Testimony of Lane.*

4.12. Lane was a member of the Public School Employees of Washington, SEIU Local 1948, labor union, covered by the 'Collective Bargaining Agreement Between the Richland School District and Richland – MOT (Maintenance, Operations & Transportation), from September 1, 2023 to August 31, 2026' (c.b.a.). *Dept. Ex. 8 (Same as Dept. Ex. 20; pg. 13-83).*

4.13. As a former Marine and business owner, Lane served as a 'de facto leader', with Dan Miller, who was on administrative leave, regarding bus drivers. However, it was not a union representative position. *Testimony of Lane.*

Lane's Email Regarding Transportation Issues-

4.14. During the week of November 13, 2023, Lane informed his direct supervisor, Kyle Carrier, Interim Transportation Director, he would send him an email regarding some transportation issues. *Testimony of Lane.*

4.15. Lane never asked Carrier for permission to write the email or tell him the amount of time he expected to spend drafting the email. *Testimony of Lane.*

4.16. Lane assumed Carrier was aware he was drafting the email when he wasn't driving his school bus. *Testimony of Lane.*

4.17. Based on the number of hours worked, Lane would only have been able to draft the email while on overtime. *Testimony of Lane.*

4.18. Lane worked three hours of work on Friday, November 24, 2023, a holiday, and three hours on Sunday, November 26, 2023, during the weekend, compiling an email regarding his transportation concerns. *Testimony of Lane.*

4.19. On Friday, November 24, 2023, Lane worked and billed three hours of work on a school district computer in the lounge of the Richland School District Transportation Department office and another three, additional hours, on Sunday, November 26, 2023, at his residence. *Dept. Ex. 4; pg. 3.*

4.20. On Sunday, November 26, 2023, at 5:34 p.m., Lane sent the email, titled 'Unresolved Issues (sorry for the long read)', to his supervisor, Carrier. *Dept. Ex. Pg. 4-8.*

4.21. Lane's email, which was not 'urgent' or a union grievance, and did not include a request to set up a meeting to discuss the email. *Testimony of Lane.*

4.22. Lane did not have any bus routes, as directed by the school district, on Friday, November 24, 2023, a holiday, or on Sunday, November 26, 2023, a Sunday, when he drafted the email to his supervisor, Carrier. *Testimony of Lane.*

4.23. Lane originally claimed three hours then later added another three hours. *Testimony of Kellie Lacey (Testimony of Lacey).*

4.24. On Monday, November 27, 2023, Carrier sent an email to Lane thanking him for the email, outlining his concerns. Carrier suggested meeting on Wednesday, November 29, 2023, at 10:00 a.m., to discuss his concerns. *Testimony of Lane.*

4.25. In the November 27, 2023, email, Carrier also said Les Abercrombie (Abercrombie), from H.R., would be in the building and could listen in as well, since Abercrombie was helping Carrier process some things. *Testimony of Lane.*

4.26. Lane believes his immediate supervisor and H.R. would have had to have known he compiled the email over the Thanksgiving holiday. *Testimony of Lane.*

4.27. The next day, Tuesday, November 28, 2023, Abercrombie sent an email to Lane saying he would be happy to discuss Lane's issues and outline solutions. *Testimony of Lane.*

4.28. On Wednesday, November 29, 2023, Abercrombie sent another email to Lane thanking him for wanting to address his concerns with his immediate supervisor, Carrier, first, without taking the matter all the way to the union. *Testimony of Lane.*

4.29. On the same day, November 29, 2023, Lane met with his immediate supervisor, Carrier, to discuss his issues. *Testimony of Lane.*

4.30. On Thursday, November 30, 2023, Lane emailed Abercrombie informing him of the meeting between Lane and Carrier. *Testimony of Lane.*

4.31. At the evidentiary hearing, Lane did not call Carrier as a witness, regarding his authorization or knowledge of Lane billing six hours of overtime constructing his email.

4.32. On Tuesday, December 5, 2023, Lane's timecard was approved twice. Once for unrelated sick leave. *Testimony of Lane.*

4.33. On Thursday, December 7, 2023, the School District denied Lane's six hours of overtime without explanation. *Testimony of Lane.*

4.34. Lane's email was not a grievance and was not a union issue. As an employee, he was just bringing issues to Carrier's attention. *Testimony of Lane.*

4.35. The School District/Union c.b.a., allows employees to bring issues and concerns to his/her/their supervisor(s). *Testimony of Lacey.*

4.36. However, any overtime requires pre-approval or allowed under certain emergencies, as per the c.b.a. *Testimony of Lacey.*

4.37. Since Lane's email was deemed not urgent, he could have scheduled a meeting with his supervisor to discuss his concerns. *Testimony of Lacey.*

4.38. On January 2, 2024, Lane notified the Richland School District, via email, he had filed a labor complaint against the School District. In his correspondence, Lane attached a copy of the Worker Rights Complaint, along with supporting documentation. Lane later forwarded the correspondence to the Department, as a part of his wage complaint. *Dept. Ex. 5.*

4.39. In August 2024, Lane retired from bus driving. *Testimony of Lane.*

Appellant Lane's Wage Complaint and Department Investigation-

4.40. On January 3, 2024, the Department of Labor & Industries (Department) received Lane's 'Worker Rights Complaint', alleging the Richland School District failed to pay him six hours of agreed, unpaid wages, at a rate of $39.65 per hour, equating to $237.50, on November 24, 2023 and November 26, 2023. *Testimony of Michael Lewis (Testimony of Lewis) and Dept. Ex. 4.*

4.41. From January 3, 2024, to April 22, 2024, Department Industrial Relations Agent Michael Lewis (Agent Lewis), who has conducted over 1,500 wage complaint investigations, investigated Lane's complaint. *Testimony of Lewis and Dept. Ex. 3.*

4.42. On January 4, 2024, the Department sent a letter to Lane, acknowledging receipt of his Worker Right Complaint. The Department outlined the timeframe for its investigation of his wage complaint and possible outcomes. *Dept. Ex. 9.*

4.43. On January 26, 2024, Agent Lewis sent correspondence to the Richland School District, notifying the employer of Lane's Wage Complaint, which was attached, along with a 'Wage Computation Sheet'. Lane had alleged the School District failed to pay Lane for six overtime hours, at a rate of $39.65, for a total of $237.50, for the period of November 24, 2023 to November 26, 2023. The Department requested the Employer either pay the amount requested or else provide documentation contesting Lane's allegation. *Dept. Ex. 19.*

4.44. Agent Lewis' initial investigation included determining: (1) If Lane was a School District employee; and (2) If Lane's alleged work occurred in the State of Washington. *Testimony of Lewis.*

4.45. On February 13, 2024, Richland School District Assistant Director Human Resources, Kellie Lacey (Lacey), provided the School District's response to Lane's Worker Rights Complaint.

4.46. The Employer's February 13, 2024, response included: (1) An outline of the events; (2) Lane's timesheet for the period at issue; and (3) Other supporting documentation, including the applicable union collective bargaining agreement in which Lane was a member. *Testimony of Lewis, Testimony of Lacey and Dept. Ex. 20.*

4.47. The School District also asserted Lane was not requested to, authorized to, or required by his employer to be on duty when he performed personal business on the district's property and at his home, outside of regular business hours. *Testimony of Lewis, Testimony of Lacey and Dept. Ex. 3; pg. 4.*

4.48. Lane's job description as a 'Bus Driver' for the Richland School District, including 'Essential Duties and Responsibilities', which did not include reporting collective bargaining agreement (c.b.a.) grievances, since Lane was not a union representative. *Testimony of Lewis and Dept Ex. 20; pg. 12.*

4.49. Lane's job duties, as a bus driver, did not include working from home. *Testimony of Lacey.*

4.50. Agent Lewis also reviewed the applicable c.b.a., which required all grievances to be filed through the union. *Testimony of Lewis.*

4.51. The c.b.a. allows an employee to address issues by: (1) Going to the employee's supervisor; (2) Going to Human Resources; (3) Going to the employee's union representative; and (4) If urgent, going directly to the School District Director of Transportation. *Testimony of Lacey.*

4.52. Consistent with the c.b.a., any overtime requires pre-approval unless the overtime is due to an 'emergency', beyond the employee's control. *Testimony of Lacey and Dept. Ex. 8; pg. 23.*

4.53. The School District denied Lane's request for overtime on November 24, 2023, and November 26, 2023, since Lane had performed the work on his own time, outside of his job duties, and was not part of the c.b.a. 'grievance procedure' process. *Testimony of Lacey and Dept. Ex. 20; pg. 63.*

4.54. Lane's supervisor, Kyle Carrier, had not assigned or authorized Lane to do such work, especially on a holiday and weekend, so the School District did not grant Lane overtime request. *Testimony of Lacey.*

4.55. In addition, the School District denied Lane's overtime request, since it was not part of his shift, not urgent, not pre-approved and not related to any union activity, since Lane was not a union representative. *Testimony of Lacey.*

4.56. Consistent with the c.b.a., Lane could have brought the issues to his supervisor, Kyle Carrier's attention and/or set up a meeting, without the need for overtime. *Testimony of Lacey.*

4.57. Agent Lewis determined Lane billed three hours on Friday, November 24, 2023, a holiday, and three hours on Sunday, November 26, 2023, compiling a list of grievances, which was not a part of his bus driver duties. *Testimony of Lewis.*

4.58. On March 1, 2024, Agent Lewis sent a 'Worker Rights Complaint Investigation – 60 Day Notice' to Lane and the School District, notifying the parties of the Department's need for more time to investigate Lane's Wage Complaint. *Dept. Ex. 21.*

4.59. On April 9, 2024, Agent Lewis sent an email to Lane, with an attached response from his employer, the Richland School District, regarding his wage complaint. Agent Lewis allowed Lane to respond to the Employer's response, by April 19, 2024. *Dept. Ex. 10.*

4.60. On the same day, April 9, 2024, Lane responded to Agent Lewis' email by providing a response, which included references to federal U.S. Department of Labor and Washington Department of Labor and Industries Employment Standards Administrative Policy 'Hours Worked' ES.C.2. Lane also stated he would be providing a rebuttal by April 19, 2024. *Dept. Exs. 11 & 12.*

4.61. On April 11, 2024, Lane, sent another email to Agent Lewis, inquiring if he had reviewed the information sent to him. *Dept. Ex. 13.*

4.62. On April 12, 2024, Agent Lewis acknowledged receipt of Lane's April 9, 2024, email. Agent Lewis further reiterated Lane had until April 19, 2024 to provide any additional information regarding his wage complaint. If no such additional information was provided, which altered the Department's decision, Agent Lewis planned to issue a Determination of Compliance. *Dept. Ex. 14.*

4.63. On April 15, 2024, Lane emailed Agent Lewis regarding providing additional information, via a video, if acceptable. *Dept. Ex. 15.*

4.64. A short time later, on the same day, Lane sent another email to Agent Lewis, with a video and follow-up rebuttal to the School District. *Dept. Ex. 16.*

4.65. On April 18, 2024, Lane sent an email to Agent Lewis inquiring if the Department had reviewed his video, 'debunking the School District's argument'. *Dept. Ex. 17.*

4.66. On April 22, 2024, Agent Lewis sent a 'Worker Rights Complaint Investigation – 120 Day Notice' to Lane and the School District, notifying the parties, of the Department's need for more time to investigate Lane's Wage Complaint. *Dept. Ex. 18 (Same as Dept. Ex. 21; page 2).*

4.67. Based on his investigation of Lane's Wage Complaint, Agent Lewis determined no Wage Payment Act violation had occurred. *Testimony of Lewis.*

4.68. On May 23, 2024, the Department issued 'Determination of Compliance No. 175-24' finding the School District did not owe Lane $237.90 in unpaid, agreed wages for hours worked on November 24, 2023 and November 26, 2023. *Testimony of Lewis and Dept. Ex. 1.*

4.69. On the same day, Lane appealed the Department's Determination. *Dept. Ex. 2.*

5. CONCLUSIONS OF LAW:

Based upon the above 'Findings of Fact', the following 'Conclusions of Law' are made:

Jurisdiction-

5.1. The Office of Administrative Hearings has jurisdiction over the persons and subject matter based on RCW 49.48.084(3) and Chapter 34.05 RCW.

Department Requirement to Investigate Wage Complaints-

5.2. RCW 49.48.083(1) requires, in relevant part: 'If an employee files a wage complaint, the Department shall investigate the wage complaint.'

5.3. On January 3, 2024, the Department received Lane's 'Worker Rights Complaint', alleging the Richland School District failed to pay him six hours of agreed, unpaid wages, at a rate of $39.65 per hour, from November 24, 2023 to November 26, 2023. As a result, the Department investigated Lane's wage complaint.

Burden and Standard of Proof Challenging a 'Determination of Compliance'-

5.4. RCW 49.48.083(1) establishes the Department shall issue either a citation and notice of assessment, finding the employer violated relevant Wage Payment Act laws, or issue a determination of compliance, finding no such violation occurred.

5.5. To successfully contest a 'Determination of Compliance', the appellant must prove, by a 'preponderance of the evidence', a 'more likely than not' standard, the Department's 'Determination of Compliance' is in error. *MacSuga v. County of Spokane,* 97 Wn. App. 435, 445-446, 983 P.2d 1167 (1999).

5.6. In the present case, the Appellant, Jospeh Lane, must prove, by a 'preponderance of the evidence', the Department's 'Determination of Compliance No. 175-24', dated May 23, 2024, is in error.

[Continued]

Relevant Department of Labor & Industries' Laws and Regulations-

5.7. The Department of Labor & Industries is responsible for implementing and enforcing Chapters 49.46, 49.48 and 49.52 RCW and Title 296 Washington Administrative Code (WAC), pertaining to wages, for the purpose of protecting the immediate and future health, safety, and welfare of the people of the State of Washington.

5.8. The Department's authority includes enforcing wage payments such as: (a) Payment of minimum wages (RCW 49.46.020 and Chapter 296-128 WAC), including for paid sick leave; (b) Payment of overtime wages in excess of more than 40 hours of work in a week (RCW 49.46.130); (c) Payment of final wages (RCW 49.48.010); and (d) Withholding of lawful deductions from wages (RCW 49.52.060); and (e) Enforcement of any wages as authorized by statute, ordinance, and/or contract (RCW 49.52.050).

5.9. If the employer pays an employee less than wages to which such employee is entitled, the employer shall be liable to such employee for the full amount of such wages. RCW 49.46.090(1).

5.10. RCW 49.46.130(1) requires an employer to pay its employees time and one-half his/her/their hourly rate for all 'hours worked' over forty, in a workweek.

5.11. WAC 296-126-002(8) establishes:

> "Hours worked" shall be considered to mean all hours during which the employee is authorized or required by the employer to be on duty on the employer's premises or at a prescribed workplace.
>
> WAC 296-126-002(8).

5.12. To qualify for 'hours worked', an employee must establish he/she/they: (1) Authorized or required the employee; (2) On duty; and (3) On the employer's premises or at a prescribed workplace. *Department of Labor and Industries Administrative Policy ES.C.2 (2021).*

Appellant Lane Failed to Prove Richland School District Authorized Work-

5.13. This administrative tribunal must decide if the Richland School District should have paid Appellant Lane, for six hours drafting an email on Friday, November 24, 2023, and Sunday, November 26, 2023.

5.14. This administrative tribunal finds the Appellant, Joseph Lane, has failed to prove by a 'preponderance of the evidence' his employer, the Richland School District, should have paid him for 'hours worked' on Friday November 24, 2023, and Sunday, November 26, 2023, for the following reasons:

A. Lane's Work Drafting Email Not Authorized or Required-

5.15. During the week of November 13, 2023, Lane informed his direct supervisor, Kyle Carrier, Interim Transportation Director, he would send him an email regarding some transportation issues to work.

5.16. Neither the School District nor Lane's supervisor, Kyle Carrier, requested, ordered or required Lane to draft the email.

5.17. Further, Lane provided no evidence in the record Carrier pre-approved Lane for overtime to draft the voluntary email.

5.18. Further, Lane, who is not a union representative, acknowledged his email was not part of the union grievance process.

B. Lane's Work Drafting Email Occurred Off Duty-

5.19. At the time of the alleged wage payment violation, Lane worked as a bus driver.

5.20. On Friday, November 24, 2023, a holiday, and Sunday, November 26, 2023, a Sunday, Lane drafted the email to his supervisor, Kyle Carrier, outlining transportation issues. Neither of the two days Lane spent drafting the email were a part of his regular work schedule and occurred outside normal business hours.

C. Lane's Work Did Not Occur At Employer's Premises or Prescribed Workplace-

5.21. Lane drafted his email on Friday, November 24, 2023, a holiday, at the School District's work lounge, and on Sunday, November 26, 2023, at his home. Neither locations are his prescribed work areas, as a bus driver.

5.22. While Lane often inputs his time sheets at home, rather than at work, where there are only two computers for over 100 employees, his house is not his prescribed work area, as a bus driver.

5.23. For the above-cited reasons, Lane's drafting of an email outlining transportation issues with the School District fails to meet the three-part 'Hours Worked' criteria, established by RCW 49.46.090(1), WAC 296-126-002(8) and Department Administrative Policy ES.C.2.

5.24. For these reasons, the Appellant/Wage Claimant, Joseph Lane, **failed to prove** by a 'preponderance of the evidence' the Department of Labor & Industries' 'Determination of Compliance No. DOC-175-24' was in error.

5.25. Since the Appellant failed to prove the Department of Labor & Industries' 'Determination of Compliance No. DOC-175-24' was in error, **no wages are owed.**

5.26. The Department of Labor and Industries' 'Determination of Compliance No. DOC-175-24', dated May 23, 2024, is **affirmed.**

6. INITIAL ORDER:

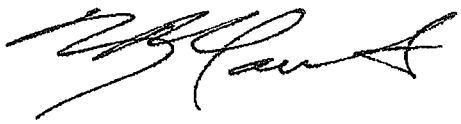
THIS ADMINISTRATIVE TRIBUNAL ORDERS;

6.1. The Appellant/Wage Claimant, Joseph Lane, **failed to prove** by a 'preponderance of the evidence' the Department of Labor & Industries' 'Determination of Compliance No. DOC-175-24' was in error.

6.2. Since the Appellant failed to prove the Department of Labor & Industries' 'Determination of Compliance No. DOC-175-24' was in error, **no wages are owed.**

6.3. The Department of Labor and Industries' 'Determination of Compliance No. DOC-175-24', dated May 23, 2024, is **affirmed.**

Issued from Olympia, Washington on the date of mailing.



TJ Martin
Administrative Law Judge
Office of Administrative Hearings

CERTIFICATE OF SERVICE ATTACHED

APPEAL RIGHTS

PETITION FOR REVIEW

Any party that disputes this Initial Order may file a Petition for Review with the Director of the Department of Labor and Industries.[1] You may e-mail your Petition for Review to the Director at directorappeal@lni.wa.gov. You may also mail or deliver your Petition for Review to the Director at the Department's physical address listed below.

Mailing Address:
Director
Department of Labor and Industries
PO Box 44001
Olympia, WA 98504-4001

Physical Address:
7273 Linderson Way SW
Tumwater, WA 98501

If you e-mail your Petition for Review, please do not mail or deliver a paper copy to the Director.

Whether you e-mail, mail or deliver the Petition for Review, the Director *must actually receive* the Petition for Review during office hours at the Director's office **within 30 days** of the date this Initial Order was mailed to the parties. You must also provide a copy of your Petition for Review to the other parties at the same time.

If the Director does not receive a Petition for Review within 30 days from the date of the Initial Order, the Initial Order shall become final with no further right to appeal.[2]

If you timely file a Petition for Review, the Director will conduct an administrative review under chapter 34.05 RCW.

---

[1] RCW 49.48.084 and RCW 34.05.464.
[2] RCW 49.48.084 and Chapter 34.05 RCW.

CERTIFICATE OF SERVICE FOR OAH DOCKET NO. 08-2024-LI-02224

I certify that true copies of this document were served on those listed below, from Olympia, Washington via Consolidated Mail Services by one of the following: First Class Mail, Certified Mail, Hand Delivery via Messenger, Campus Mail, Facsimile, or by email.

Joseph Lane 1560 Brantingham Rd Richland, WA 99352 ***Appellant/Wage Claimant***	☐ First Class Mail ☒ Certified Mail, Return Receipt ☐ Campus Mail ☒ E-mail: warenews@gmail.com
Kaitlin Loomis, AAG Travis Alley, AAG Office of the Attorney General MS: TB-14 800 Fifth Avenue Ste 2000 Seattle, WA 98104 ***Agency Representatives***	☐ First Class Mail ☐ Certified Mail, Return Receipt ☐ Campus Mail ☒ E-mail: Travis.Alley@atg.wa.gov angie.faulkner@atg.wa.gov kaitlin.loomis@atg.wa.gov Melanie.Ruha@atg.wa.gov lniseaeservice@atg.wa.gov
School Dist #400 Benton Co. dba Richland School District c/o Kellie Lacey 6972 Keene Rd West Richland, WA 99353 ***Intervenor/Employer***	☐ First Class Mail ☐ Certified Mail, Return Receipt ☐ Campus Mail ☒ E-mail: Kellie.Lacey@rsd.edu

Date: Monday, March 24, 2025

OFFICE OF ADMINISTRATIVE HEARINGS

Mallory Jordan
Legal Assistant 2