

HOUSE BILL REPORT

HB 2435

*As Passed House
February 17, 1992*

Title: An act relating to reconsideration of department of labor and industries' industrial insurance orders.

Brief Description: Making technical changes to the statute governing reconsideration of industrial insurance orders.

Sponsor(s): Representatives G. Cole, Heavey, Prentice, Jones, Franklin and R. King.

Brief History:

Reported by House Committee on:
Commerce & Labor, February 6, 1992, DP;
Passed House, February 17, 1992, 75-23.

**HOUSE COMMITTEE ON
COMMERCE & LABOR**

Majority Report: *Do pass.* Signed by 10 members:
Representatives Heavey, Chair; G. Cole, Vice Chair; Lisk,
Assistant Ranking Minority Member; Franklin; Jones; R. King;
O'Brien; Prentice; Vance; and Wilson.

Minority Report: *Do not pass.* Signed by 1 member:
Representative Fuhrman, Ranking Minority Member.

Staff: Chris Cordes (786-7117).

Background: Workers, employers, and other parties aggrieved by Department of Labor and Industries' industrial insurance orders are entitled to request reconsideration of an order before appealing to the Board of Industrial Insurance Appeals. There are no time lines governing the reconsideration process.

Summary of Bill: If an employer requests reconsideration of a Department of Labor and Industries' order that is in favor of an injured worker, the employer has 30 days to submit relevant information to the department. The department may only consider information submitted within the time period, unless the time period is extended for an additional 30 days for good cause.

Fiscal Note: Available.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Testimony For: Too often, decisions on injured workers' claims are delayed for very long periods. This leaves the worker without benefits or other needed assistance. The worker may even be unable to file an appeal. Time limits are needed to keep the process moving forward.

Testimony Against: Although the intent of the bill is good, it has several flaws. A different standard is proposed for employer reconsiderations and worker reconsiderations. The bill may make it very difficult for the department to address fraud cases. It may be possible to find ways to reduce delays without the requirements of this bill.

Witnesses: (In favor): Jeff Johnson, Washington State Labor Council; and Bill Hochberg, Washington State Trial Lawyers Association. (Opposed): Mike Watson, Department of Labor and Industries.