

1 **ESB 5603** - H AMD

2 By Representatives Heavey and Lisk

3 Strike everything after the enacting clause and insert the
4 following:

5 "Sec. 1. RCW 51.08.013 and 1993 c 138 ú 1 are each amended
6 to read as follows:

7 (1) "Acting in the course of employment":

8 (a) Means the worker acting at his or her employer's
9 direction or in the furtherance of his or her employer's business
10 which shall include time spent going to and from work on the
11 jobsite, as defined in RCW 51.32.015 and 51.36.040, insofar as
12 such time is immediate to the actual time that the worker is
13 engaged in the work process in areas controlled by his or her
14 employer, except parking area. It is not necessary that at the
15 time an injury is sustained by a worker he or she is doing the
16 work on which his or her compensation is based or that the event
17 is within the time limits on which industrial insurance or
18 medical aid premiums or assessments are paid; and

19 (b) Only includes off-jobsite participation in social
20 activities, recreational or athletic activities, events or
21 competitions, or parties or picnics, whether or not the employer
22 pays some or all of the costs thereof, when the worker was
23 personally ordered, directed, or requested by his or her employer
24 to participate or when the employer compensates the worker for
25 such participation or for the travel necessary to participate.
26 This subsection (b) is not intended to affect any requirements
27 under this title governing "acting in the course of employment"
28 on the jobsite.

29 ((The term))(2) "Acting in the course of employment" does
30 not include time spent going to or coming from the employer's
31 place of business: (a) In commuter ride sharing, as defined in

1 RCW 46.74.010(1), notwithstanding any participation by the
2 employer in the ride-sharing arrangement; or (b) on a public
3 transport system using a pass provided in whole or part by the
4 employer."

EFFECT: The amendment strikes the provisions that determined when a worker was not "acting in the course of employment" with respect to participation in voluntary recreational activities. Instead, the amendment provides that a worker is "acting in the course of employment" when participating in off-jobsite activities (social, recreational, parties, picnics) only if the employee was personally ordered, directed, or requested by the employer to participate or when compensation is paid to the employee for participation or necessary travel. This new language is not intended to affect the law regarding "acting in the course of employment" on the jobsite.