

HOUSE BILL REPORT

HB 1243

As Reported By House Committee On:
Commerce & Labor

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.

Sponsors: Representatives King, Heavey, Franklin, G. Cole, Jones and Veloria.

Brief History:

Reported by House Committee on:
Commerce & Labor, February 2, 1993, DP.

HOUSE COMMITTEE ON COMMERCE & LABOR

Majority Report: Do pass. Signed by 5 members: Representatives Heavey, Chair; G. Cole, Vice Chair; Conway; King; and Veloria.

Minority Report: Do not pass. Signed by 3 members: Representatives Lisk, Ranking Minority Member; Chandler, Assistant Ranking Minority Member; and Horn.

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. The request must be submitted within the time limit specified for appealing the order to the board, but there are no other time limits governing the reconsideration process.

Summary of Bill: If an employer requests reconsideration of a Department of Labor and Industries' order 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 department extends the time period for an additional 30 days for good cause.

Fiscal Note: Not requested.

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

Testimony For: The bill is needed because some employers file a protest and then delay for a long time before submitting information to the Department of Labor and Industries. During this time period, the claim is in limbo and no action can be taken. If the employer has a legitimate reason, such as inability to get needed information quickly, this is good cause for extending the time period. There is no objection to applying the time restrictions to both employers and employees. It is important to reduce delays in the industrial insurance system because delays can result in long-term disability.

Testimony Against: The statute currently establishes time lines for filing a protest or an appeal. Adding time lines for submitting information is contrary to the purpose of permitting protests, because the department will not be making its decision on the best information. Employers will then be forced to take the issues to the Board of Industrial Insurance Appeals instead of resolving them at the department. It is unfair to put time restrictions only on employers and not other parties who may protest. Adding time restrictions will encourage employers to delay filing their protests until the end of the filing period. Sometimes it takes a long time to get needed information, such as information from a hospital.

Witnesses: (In favor): Jeff Johnson, Washington State Labor Council; and Bob Dilger, Washington Building and Construction Trades Council. (Opposed): Michael Weier, Washington Self-Insurers Association.