

HOUSE BILL REPORT

SSB 6282

As Passed House
March 1, 1994

Title: An act relating to industrial safety and health appeals.

Brief Description: Regulating time limits for industrial safety and health appeals.

Sponsors: Senate Committee on Labor & Commerce (originally sponsored by Senators Wojahn and Winsley; by request of Department of Labor & Industries).

Brief History:

Reported by House Committee on:
Commerce & Labor, February 18, 1994, DP.
Passed House, March 1, 1994, 97-0

HOUSE COMMITTEE ON COMMERCE & LABOR

Majority Report: Do pass. Signed by 8 members:
Representatives G. Cole, Vice Chair; Lisk, Ranking Minority Member; Chandler, Assistant Ranking Minority Member; Conway; Horn; King; Springer and Veloria.

Staff: Chris Cordes (786-7117).

Background: If an employer violates a requirement of the Washington Industrial Safety and Health Act, the employer is subject to a citation and penalties assessed by the Department of Labor and Industries. After the employer receives notice of a citation or penalty assessment, the employer has 15 days to notify the department of an intent to appeal to the Board of Industrial Insurance Appeals. Employees may also file a notice within 15 days of the issuance of the department order alleging that the abatement period for the violation is unreasonable.

If an employer gives notice of an intent to appeal the citation or penalty assessment or if employees protest the abatement period, the department may reassume jurisdiction over all or part of the issues being appealed. If jurisdiction is reassumed, the department must complete any redetermination of the original order within 30 working days.

The Washington Supreme Court has held that if the department fails to make a redetermination on the reassumed case within the 30-day period, the department loses jurisdiction of the case, and the employer is entitled to appeal to the board under the original notice of appeal.

Summary of Bill: If the Department of Labor and Industries reassumes jurisdiction over a citation or penalty assessment under the Washington Industrial Safety and Health Act that the employer intends to appeal or that is under protest by the employees, the parties to the appeal may agree to extend the 30-working-day period in which the Department of Labor and Industries must complete its redetermination for up to an additional 15 working days.

Fiscal Note: Requested February 9, 1994.

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

Testimony For: The parties to an appeal would benefit from being able to agree to an extension in certain cases, such as when an informal settlement agreement is being formulated.

Testimony Against: None.

Witnesses: (In favor) Michael Bahn, Department of Labor and Industries.