

SENATE BILL REPORT

HB 1246

AS REPORTED BY COMMITTEE ON LABOR & COMMERCE, APRIL 2, 1993

**Brief Description:** Revising provisions for maintaining employee benefits for temporarily disabled workers.

**SPONSORS:** Representatives G. Cole, Heavey, King, Franklin, Jones, Veloria and Johanson

**HOUSE COMMITTEE ON COMMERCE & LABOR**

**SENATE COMMITTEE ON LABOR & COMMERCE**

**Majority Report:** Do pass.

Signed by Senators Moore, Chairman; Prentice, Vice Chairman; Fraser, McAuliffe, Pelz, Sutherland, and Vognild.

**Staff:** Dave Cheal (786-7576)

**Hearing Dates:** April 1, 1993; April 2, 1993

**BACKGROUND:**

The Industrial Insurance Act allows an employer to provide a light or modified job to an injured worker while the worker is recovering from his or her injury. The light duty job must be approved by the worker's physician. If the worker returns to a job paying less than 95 percent of the worker's wages at injury, the worker is entitled to partial benefits that are paid in proportion to the worker's loss of earning power. The statute does not address the worker's right to fringe benefits while in the light duty position.

**SUMMARY:**

If an injured worker is returned to work at light or modified duty during the period in which the worker is unable to return to his or her regular job, the employer must continue or resume the health and welfare benefits to which the worker was entitled at the time of injury.

The procedures for requesting light or modified duty are clarified. The request must be from the employer of injury and the work must be available with the employer of injury. The worker's temporary disability compensation must continue until the worker is released by the attending physician to the job and begins work.

**Appropriation:** none

**Revenue:** none

**Fiscal Note:** none requested

**Effective Date:** The bill contains an emergency clause and takes effect on July 1, 1993.

**TESTIMONY FOR:**

When a worker who is recovering from a work-related injury returns to work for a light duty or part-time assignment, they need to have health or fringe benefits, if those benefits are offered to other employees by the employer. This would provide a valuable incentive for workers to accept early return to work opportunities, which is generally in both the worker's and employer's best interest.

**TESTIMONY AGAINST:**

This should be handled through collective bargaining agreements rather than statute. It may deter employers from offering those opportunities. Some health care benefit contracts preclude coverage to workers in this situation.

**TESTIFIED:** Jeff Johnson (pro); Clif Finch (con)