

SENATE BILL REPORT

ESB 5603

AS PASSED SENATE, FEBRUARY 10, 1994

Brief Description: Amending the definition of acting in the course of employment.

SPONSORS: Senators Newhouse, Vognild, Anderson, Amondson, Prince, Prentice and Winsley

SENATE COMMITTEE ON LABOR & COMMERCE

Majority Report: Do pass as amended.

Signed by Senators Moore, Chairman; Prentice, Vice Chairman; Amondson, Deccio, Fraser, McAuliffe, Newhouse, Pelz, Prince, Sellar, Sutherland, Vognild and Wojahn.

Staff: Dave Cheal (786-7576)

Hearing Dates: January 17, 1994; January 31, 1994

BACKGROUND:

Industrial insurance provides medical care and indemnity for lost wages resulting from injuries and occupational diseases that are work-related.

To be covered, the injury or exposure must occur while the worker is "acting in the course of employment," as defined by statute and case law.

An activity which is unclear as to whether it constitutes acting in the course of employment is voluntary recreational activities sponsored by the employer.

SUMMARY:

The definition of "acting in the course of employment" is amended to exclude voluntary recreational activity programs sponsored or promoted by the employer, unless participation is required or wages or travel expenses are paid while participating.

Health and wellness programs sponsored and required by the employer are excluded from coverage of the bill.

Appropriation: none

Revenue: none

Fiscal Note: requested

TESTIMONY FOR:

Employers will be allowed to sponsor a variety of voluntary recreational activities for their employees without increasing their industrial insurance exposure.

TESTIMONY AGAINST:

Some activities that further the interests of employers, such as stretching or exercise programs, will be excluded by the bill. If any activity benefits the employer, participants should have industrial insurance coverage.

TESTIFIED: Richard Lewis, Charlie Bush, Washington Hospital Services (pro); Robert Stern, WSLC (con); Wayne Lieb, WSTLA (con); Doug Connell, L&I; Clif Finch, Assn. of Wash. Business (pro)