

SENATE BILL REPORT

SB 6282

AS REPORTED BY COMMITTEE ON LABOR & COMMERCE, JANUARY 24, 1994

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

SPONSORS: Senators Wojahn and Winsley; by request of Department of Labor & Industries

SENATE COMMITTEE ON LABOR & COMMERCE

Majority Report: That Substitute Senate Bill No. 6282 be substituted therefor, and the substitute bill do pass.

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 20, 1994; January 24 1994

BACKGROUND:

When an employer is cited for a violation of the Washington Industrial Safety and Health Act, the employer has 15 days to notify the director of an intent to appeal either the citation or the assessment of penalty. If an employer notifies the director that the employer intends to appeal the citation or penalty, the director may reassume jurisdiction over the entire matter or any portion involving the issue being appealed. If the director does reassume jurisdiction, any redetermination of the penalty, citation or revision of periods of abatement must be completed within a period of 30 working days. If these matters are not completed, the employer may then proceed directly to the board with the appeal.

A recent judicial determination requires jurisdiction to pass to the board at the end of the 30-day reassumption period even if a settlement has been reached but the necessary paperwork not completed.

SUMMARY:

When an employer indicates an intent to appeal a department order under the Washington Industrial Safety and Health Act, the department may reassume jurisdiction. The time limit for this reassumption of jurisdiction is extended from 30 working days to 45 working days.

EFFECT OF PROPOSED SUBSTITUTE:

The 15 working day extension of the reassumption period is limited to cases where all parties agree to the extension.

Appropriation: none

Revenue: none

Fiscal Note: requested

TESTIMONY FOR:

The voluntary extension will facilitate settlement agreements in WISHA appeals and reduce the Board of Industrial Insurance case load.

TESTIMONY AGAINST: None

TESTIFIED: PRO: Suzanne Mager; Clif Finch