

1 5395-S AMS ANDA S2705.1

2 SSB 5395 - S AMD - 261
3 By Senator A. Anderson

4

5 On page 5, after line 5, strike all material through "120%" on line
6 10 and insert the following:

7	"AFTER	PERCENTAGE
8	June 30, 1993	105%
9	June 30, 1994	110%
10	June 30, 1995	((115%)) <u>110%</u>
11	June 30, 1996	((120%)) <u>110%</u>
12	<u>June 30, 1997</u>	<u>115%</u>
13	<u>June 30, 1998</u>	<u>120%</u> "

14 SSB 5395 - S AMD - 261
15 By Senator A. Anderson

16

17 On page 6, after line 33, strike all material through "120%" on
18 line 38 and insert the following:

19	"AFTER	PERCENTAGE
20	June 30, 1993	105%
21	June 30, 1994	110%
22	June 30, 1995	((115%)) <u>110%</u>
23	June 30, 1996	((120%)) <u>110%</u>
24	<u>June 30, 1997</u>	<u>115%</u>
25	<u>June 30, 1998</u>	<u>120%</u> "

26 SSB 5395 - S AMD - 261
27 By Senator A. Anderson

28

29 On page 7, after line 12, strike all material through "120%" on
30 line 17 and insert the following:

	"AFTER	PERCENTAGE
1		
2	June 30, 1993	105%
3	June 30, 1994	110%
4	June 30, 1995	((115%)) <u>110%</u>
5	June 30, 1996	((120%)) <u>110%</u>
6	<u>June 30, 1997</u>	<u>115%</u>
7	<u>June 30, 1998</u>	<u>120%</u> "

8 **SSB 5395** - S AMD - 261
9 By Senator A. Anderson

10

11 On page 7, after line 37, insert the following:

12 "Sec. 4. RCW 51.32.060 and 1993 c 521 s 2 are each amended to read
13 as follows:

14 (1) When the supervisor of industrial insurance shall determine
15 that permanent total disability results from the injury, the worker
16 shall receive monthly during the period of such disability:

17 (a) If married at the time of injury, sixty-five percent of his or
18 her wages but not less than two hundred fifteen dollars per month.

19 (b) If married with one child at the time of injury, sixty-seven
20 percent of his or her wages but not less than two hundred fifty-two
21 dollars per month.

22 (c) If married with two children at the time of injury, sixty-nine
23 percent of his or her wages but not less than two hundred eighty-three
24 dollars.

25 (d) If married with three children at the time of injury,
26 seventy-one percent of his or her wages but not less than three hundred
27 six dollars per month.

28 (e) If married with four children at the time of injury, seventy-
29 three percent of his or her wages but not less than three hundred
30 twenty-nine dollars per month.

31 (f) If married with five or more children at the time of injury,
32 seventy-five percent of his or her wages but not less than three
33 hundred fifty-two dollars per month.

34 (g) If unmarried at the time of the injury, sixty percent of his or
35 her wages but not less than one hundred eighty-five dollars per month.

36 (h) If unmarried with one child at the time of injury, sixty-two

1 percent of his or her wages but not less than two hundred twenty-two
2 dollars per month.

3 (i) If unmarried with two children at the time of injury, sixty-
4 four percent of his or her wages but not less than two hundred
5 fifty-three dollars per month.

6 (j) If unmarried with three children at the time of injury,
7 sixty-six percent of his or her wages but not less than two hundred
8 seventy-six dollars per month.

9 (k) If unmarried with four children at the time of injury,
10 sixty-eight percent of his or her wages but not less than two hundred
11 ninety-nine dollars per month.

12 (l) If unmarried with five or more children at the time of injury,
13 seventy percent of his or her wages but not less than three hundred
14 twenty-two dollars per month.

15 (2) For any period of time where both husband and wife are entitled
16 to compensation as temporarily or totally disabled workers, only that
17 spouse having the higher wages of the two shall be entitled to claim
18 their child or children for compensation purposes.

19 (3) In case of permanent total disability, if the character of the
20 injury is such as to render the worker so physically helpless as to
21 require the hiring of the services of an attendant, the department
22 shall make monthly payments to such attendant for such services as long
23 as such requirement continues, but such payments shall not obtain or be
24 operative while the worker is receiving care under or pursuant to the
25 provisions of chapter 51.36 RCW and RCW 51.04.105.

26 (4) Should any further accident result in the permanent total
27 disability of an injured worker, he or she shall receive the pension to
28 which he or she would be entitled, notwithstanding the payment of a
29 lump sum for his or her prior injury.

30 (5) In no event shall the monthly payments provided in this section
31 exceed the applicable percentage of the average monthly wage in the
32 state as computed under the provisions of RCW 51.08.018 as follows:

33	AFTER	PERCENTAGE
34	June 30, 1993	105%
35	June 30, 1994	110%
36	June 30, 1995	((115%)) <u>110%</u>
37	June 30, 1996	((120%)) <u>110%</u>
38	<u>June 30, 1997</u>	<u>115%</u>

2 The limitations under this subsection shall not apply to the
3 payments provided for in subsection (3) of this section.

4 (6) In the case of new or reopened claims, if the supervisor of
5 industrial insurance determines that, at the time of filing or
6 reopening, the worker is voluntarily retired and is no longer attached
7 to the work force, benefits shall not be paid under this section.

8 (7) The benefits provided by this section are subject to
9 modification under RCW 51.32.067.

10 **Sec. 5.** RCW 51.32.090 and 1993 c 521 s 3, 1993 c 299 s 1, and 1993
11 c 271 s 1 are each reenacted and amended to read as follows:

12 (1) When the total disability is only temporary, the schedule of
13 payments contained in RCW 51.32.060 (1) and (2) shall apply, so long as
14 the total disability continues.

15 (2) Any compensation payable under this section for children not in
16 the custody of the injured worker as of the date of injury shall be
17 payable only to such person as actually is providing the support for
18 such child or children pursuant to the order of a court of record
19 providing for support of such child or children.

20 (3)(a) As soon as recovery is so complete that the present earning
21 power of the worker, at any kind of work, is restored to that existing
22 at the time of the occurrence of the injury, the payments shall cease.
23 If and so long as the present earning power is only partially restored,
24 the payments shall:

25 (i) For claims for injuries that occurred before May 7, 1993,
26 continue in the proportion which the new earning power shall bear to
27 the old; or

28 (ii) For claims for injuries occurring on or after May 7, 1993,
29 equal eighty percent of the actual difference between the worker's
30 present wages and earning power at the time of injury, but: (A) The
31 total of these payments and the worker's present wages may not exceed
32 one hundred fifty percent of the average monthly wage in the state as
33 computed under RCW 51.08.018; (B) the payments may not exceed one
34 hundred percent of the entitlement as computed under subsection (1) of
35 this section; and (C) the payments may not be less than the worker
36 would have received if (a)(i) of this subsection had been applicable to
37 the worker's claim.

38 (b) No compensation shall be payable under this subsection (3)

1 unless the loss of earning power shall exceed five percent.

2 (4)(a) Whenever the employer of injury requests that a worker who
3 is entitled to temporary total disability under this chapter be
4 certified by a physician as able to perform available work other than
5 his or her usual work, the employer shall furnish to the physician,
6 with a copy to the worker, a statement describing the work available
7 with the employer of injury in terms that will enable the physician to
8 relate the physical activities of the job to the worker's disability.
9 The physician shall then determine whether the worker is physically
10 able to perform the work described. The worker's temporary total
11 disability payments shall continue until the worker is released by his
12 or her physician for the work, and begins the work with the employer of
13 injury. If the work thereafter comes to an end before the worker's
14 recovery is sufficient in the judgment of his or her physician to
15 permit him or her to return to his or her usual job, or to perform
16 other available work offered by the employer of injury, the worker's
17 temporary total disability payments shall be resumed. Should the
18 available work described, once undertaken by the worker, impede his or
19 her recovery to the extent that in the judgment of his or her physician
20 he or she should not continue to work, the worker's temporary total
21 disability payments shall be resumed when the worker ceases such work.

22 (b) Once the worker returns to work under the terms of this
23 subsection (4), he or she shall not be assigned by the employer to work
24 other than the available work described without the worker's written
25 consent, or without prior review and approval by the worker's
26 physician.

27 (c) If the worker returns to work under this subsection (4), any
28 employee health and welfare benefits that the worker was receiving at
29 the time of injury shall continue or be resumed at the level provided
30 at the time of injury. Such benefits shall not be continued or resumed
31 if to do so is inconsistent with the terms of the benefit program, or
32 with the terms of the collective bargaining agreement currently in
33 force.

34 (d) In the event of any dispute as to the worker's ability to
35 perform the available work offered by the employer, the department
36 shall make the final determination.

37 (5) No worker shall receive compensation for or during the day on
38 which injury was received or the three days following the same, unless
39 his or her disability shall continue for a period of fourteen

1 consecutive calendar days from date of injury: PROVIDED, That attempts
2 to return to work in the first fourteen days following the injury shall
3 not serve to break the continuity of the period of disability if the
4 disability continues fourteen days after the injury occurs.

5 (6) Should a worker suffer a temporary total disability and should
6 his or her employer at the time of the injury continue to pay him or
7 her the wages which he or she was earning at the time of such injury,
8 such injured worker shall not receive any payment provided in
9 subsection (1) of this section during the period his or her employer
10 shall so pay such wages.

11 (7) In no event shall the monthly payments provided in this section
12 exceed the applicable percentage of the average monthly wage in the
13 state as computed under the provisions of RCW 51.08.018 as follows:

14	AFTER	PERCENTAGE
15	June 30, 1993	105%
16	June 30, 1994	110%
17	June 30, 1995	((115%)) <u>110%</u>
18	June 30, 1996	((120%)) <u>110%</u>
19	<u>June 30, 1997</u>	<u>115%</u>
20	<u>June 30, 1998</u>	<u>120%</u>

21 (8) If the supervisor of industrial insurance determines that the
22 worker is voluntarily retired and is no longer attached to the work
23 force, benefits shall not be paid under this section."

24 Renumber the remaining sections consecutively and correct internal
25 references accordingly.

26 **SSB 5395** - S AMD - 261
27 By Senator A. Anderson

28
29 On page 1, line 2 of the title, after "51.32.050," insert
30 "51.32.060," and after "51.32.095;" insert "reenacting and amending RCW
31 51.32.090;"

--- END ---