
HOUSE BILL 2181

State of Washington 55th Legislature 1997 Regular Session

By Representatives Boldt, McMorris, L. Thomas and Mielke

Read first time 02/25/97. Referred to Committee on Commerce & Labor.

1 AN ACT Relating to industrial insurance benefits for intermittent
2 employment; and amending RCW 51.08.178.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

4 **Sec. 1.** RCW 51.08.178 and 1988 c 161 s 12 are each amended to read
5 as follows:

6 (1) For the purposes of this title, the monthly wages the worker
7 was receiving from all employment at the time of injury shall be the
8 basis upon which compensation is computed unless otherwise provided
9 specifically in the statute concerned. Except as provided in
10 subsection (2) of this section, in cases where the worker's wages are
11 not fixed by the month, they shall be determined by multiplying the
12 daily wage the worker was receiving at the time of the injury:

13 (a) By five, if the worker was normally employed one day a week;

14 (b) By nine, if the worker was normally employed two days a week;

15 (c) By thirteen, if the worker was normally employed three days a
16 week;

17 (d) By eighteen, if the worker was normally employed four days a
18 week;

1 (e) By twenty-two, if the worker was normally employed five days a
2 week;

3 (f) By twenty-six, if the worker was normally employed six days a
4 week;

5 (g) By thirty, if the worker was normally employed seven days a
6 week.

7 The term "wages" shall include the reasonable value of board,
8 housing, fuel, or other consideration of like nature received from the
9 employer as part of the contract of hire, but shall not include
10 overtime pay except in cases under subsection (2) of this section.
11 However, tips shall also be considered wages only to the extent such
12 tips are reported to the employer for federal income tax purposes. The
13 daily wage shall be the hourly wage multiplied by the number of hours
14 the worker is normally employed. The number of hours the worker is
15 normally employed shall be determined by the department in a fair and
16 reasonable manner, which may include averaging the number of hours
17 worked per day.

18 (2) In cases where (a) the worker's employment at the time of
19 injury is (~~exclusively seasonal~~) intermittent in nature or (b) the
20 worker's (~~current employment or his or her~~) relation to his or her
21 employment at the time of injury is (~~essentially part-time or~~)
22 intermittent, the monthly wage shall be determined by dividing by
23 twelve the total wages earned, including overtime, from all employment
24 in any twelve successive calendar months preceding the injury which
25 fairly represent the claimant's employment pattern. For purposes of
26 this subsection, "intermittent" means employment within any industry,
27 trade, or profession, which employment is full time, extra time, or
28 part time, but is seasonal, noncontinuous, or temporary, and has
29 recurring time gaps.

30 (3) If, within the twelve months immediately preceding the injury,
31 the worker has received from the employer at the time of injury a bonus
32 as part of the contract of hire, the average monthly value of such
33 bonus shall be included in determining the worker's monthly wages.

34 (4) In cases where a wage has not been fixed or cannot be
35 reasonably and fairly determined, the monthly wage shall be computed on
36 the basis of the usual wage paid other employees engaged in like or
37 similar occupations where the wages are fixed.

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