

SENATE BILL REPORT

ESB 5580

As Passed Senate, February 9, 2000

Title: An act relating to industrial insurance benefits paid during appeal.

Brief Description: Paying industrial insurance benefits during appeal.

Sponsors: Senators Wojahn, Roach, Thibaudeau, Fairley, Spanel, Prentice and Kohl-Welles.

Brief History:

Committee Activity: Labor & Workforce Development: 2/8/99, 2/25/99 [DPA, DNPA].
Passed Senate, 3/12/99, 28-21; 2/9/00, 29-19.

SENATE COMMITTEE ON LABOR & WORKFORCE DEVELOPMENT

Majority Report: Do pass as amended.

Signed by Senators Fairley, Chair; Franklin, Vice Chair; Kline and Wojahn.

Minority Report: Do not pass as amended.

Signed by Senator Hochstatter.

Staff: Joanne Conrad (786-7472)

Background: Under current law, a worker's compensation decision may be reconsidered or appealed, upon request of the worker, beneficiary, employer or other affected person. During the period of the appeal, the injured worker does not receive benefits from the Department of Labor and Industries.

Summary of Bill: If an employer requests reconsideration by the department of an order in favor of an injured worker, or appeals a department order to the Board of Industrial Insurance Appeals, the temporary total disability compensation or medical aid benefits granted to the worker continue during the reconsideration or appeal.

A benefit repayment account is established assessing employers. Deposits are made into the account if the balance of the account is less than \$100,000. Premiums and assessments begin after July 1, 1999.

Appropriation: None.

Fiscal Note: Not requested.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Testimony For: Continuation of benefits pending reconsideration and appeal is needed to protect injured workers. Resolution of cases on appeal can take a long time. Failure of benefits is coercive and hard on families.

Testimony Against: Continuation of benefits has a chilling effect on employers' rights to appeal. It is expensive for the state to attempt recovery of overpayments.

Testified: PRO: Robby Stern, WA State Labor Council; Robert Dilger, WA State Building Trades; Allan Darr, WA State Building and Construction Trades; CON: Jack Eng, AWB; Clif Finch, AWB.