
HOUSE BILL 3039

State of Washington

56th Legislature

2000 Regular Session

By Representative Conway

Read first time 01/26/2000. Referred to Committee on Commerce & Labor.

1 AN ACT Relating to the inclusion of the value of employer-provided
2 health insurance in the calculation of an injured worker's wage at time
3 of injury; and amending RCW 51.08.178.

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

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

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

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

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

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

18 (d) By eighteen, if the worker was normally employed four days a
19 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 (2) The term "wages" shall include the reasonable value of board,
8 housing, and fuel~~((, or other consideration of like nature))~~ received
9 from the employer as part of the contract of hire, but shall not
10 include overtime pay except in cases under subsection ~~((+2))~~ (4) of
11 this section. However, tips shall also be considered wages only to the
12 extent such tips are reported to the employer for federal income tax
13 purposes. The daily wage shall be the hourly wage multiplied by the
14 number of hours the worker is normally employed. The number of hours
15 the worker is normally employed shall be determined by the department
16 in a fair and reasonable manner, which may include averaging the number
17 of hours worked per day.

18 ~~((+2))~~ (3) For the sole purpose of calculating wage replacement
19 benefits and death benefits under RCW 51.32.050, 51.32.060, and
20 51.32.090, the cost actually paid by the employer for any medical and
21 dental insurance provided to the worker at the time of injury shall be
22 added to the worker's total monthly wages under this section. This
23 subsection shall not apply during any period in which the employer
24 continues the same level of medical and dental benefits that were
25 provided at the time of injury.

26 (4) In cases where (a) the worker's employment is exclusively
27 seasonal in nature or (b) the worker's current employment or his or her
28 relation to his or her employment is essentially part-time or
29 intermittent, the monthly wage shall be determined by dividing by
30 twelve the total wages earned, including overtime, from all employment
31 in any twelve successive calendar months preceding the injury which
32 fairly represent the claimant's employment pattern.

33 ~~((+3))~~ (5) If, within the twelve months immediately preceding the
34 injury, the worker has received from the employer at the time of injury
35 a bonus as part of the contract of hire, the average monthly value of
36 such bonus shall be included in determining the worker's monthly wages.

37 ~~((+4))~~ (6) In cases where a wage has not been fixed or cannot be
38 reasonably and fairly determined, the monthly wage shall be computed on

1 the basis of the usual wage paid other employees engaged in like or
2 similar occupations where the wages are fixed.
3 (7) The department shall adopt such rules as may be necessary to
4 implement this section.

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