
SENATE BILL 6723

State of Washington

56th Legislature

2000 Regular Session

By Senators Thibaudeau, Costa and Kohl-Welles

Read first time 01/25/2000. Referred to Committee on Human Services & Corrections.

1 AN ACT Relating to assault pay for juvenile rehabilitation
2 community counselors; and amending RCW 72.01.045.

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

4 **Sec. 1.** RCW 72.01.045 and 1990 c 153 s 1 are each amended to read
5 as follows:

6 (1) For purposes of this section only, "assault" means an
7 unauthorized touching of an employee by a resident, patient, or
8 juvenile offender resulting in physical injury to the employee.

9 (2) In recognition of the hazardous nature of employment in state
10 institutions and community residential settings, the legislature hereby
11 provides a supplementary program to reimburse employees of the
12 department of social and health services and the department of veterans
13 affairs for some of their costs attributable to their being the victims
14 of assault by residents, patients, or juvenile offenders. This program
15 shall be limited to the reimbursement provided in this section.

16 (3) An employee is only entitled to receive the reimbursement
17 provided in this section if the secretary of social and health services
18 or the director of the department of veterans affairs, or the

1 secretary's or director's designee, finds that each of the following
2 has occurred:

3 (a) A resident or patient has assaulted the employee and as a
4 result thereof the employee has sustained demonstrated physical
5 injuries which have required the employee to miss days of work;

6 (b) The assault cannot be attributable to any extent to the
7 employee's negligence, misconduct, or failure to comply with any rules
8 or conditions of employment; and

9 (c) The department of labor and industries has approved the
10 employee's workers' compensation application pursuant to chapter 51.32
11 RCW.

12 (4) The reimbursement authorized under this section shall be as
13 follows:

14 (a) The employee's accumulated sick leave days shall not be reduced
15 for the workdays missed;

16 (b) For each workday missed for which the employee is not eligible
17 to receive compensation under chapter 51.32 RCW, the employee shall
18 receive full pay; and

19 (c) In respect to workdays missed for which the employee will
20 receive or has received compensation under chapter 51.32 RCW, the
21 employee shall be reimbursed in an amount which, when added to that
22 compensation, will result in the employee receiving full pay for the
23 workdays missed.

24 (5) Reimbursement under this section may not last longer than three
25 hundred sixty-five consecutive days after the date of the injury.

26 (6) The employee shall not be entitled to the reimbursement
27 provided in subsection (4) of this section for any workday for which
28 the secretary, director, or applicable designee, finds that the
29 employee has not diligently pursued his or her compensation remedies
30 under chapter 51.32 RCW.

31 (7) The reimbursement shall only be made for absences which the
32 secretary, director, or applicable designee believes are justified.

33 (8) While the employee is receiving reimbursement under this
34 section, he or she shall continue to be classified as a state employee
35 and the reimbursement amount shall be considered as salary or wages.

36 (9) All reimbursement payments required to be made to employees
37 under this section shall be made by the employing department. The
38 payments shall be considered as a salary or wage expense and shall be

1 paid by the department in the same manner and from the same
2 appropriations as other salary and wage expenses of the department.
3 (10) Should the legislature revoke the reimbursement authorized
4 under this section or repeal this section, no affected employee is
5 entitled thereafter to receive the reimbursement as a matter of
6 contractual right.

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