

# HOUSE BILL REPORT

## SB 5513

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### As Passed House:

March 8, 2002

**Title:** An act relating to motorist assault upon department of transportation employees.

**Brief Description:** Compensating highway and ferry workers for motorist assault.

**Sponsors:** By Senators Haugen, Shin, T. Sheldon, Sheahan, Oke and Gardner.

### Brief History:

#### Committee Activity:

Transportation: 2/11/02, 3/4/02 [DP].

#### Floor Activity:

Passed House: 3/8/02, 80-16.

### Brief Summary of Bill

- Department of Transportation (DOT) employees engaged in highway construction or maintenance, or who are loading or unloading vehicles on state ferries, and who are victims of motorist assault are provided with disability leave supplements for a period of one year, providing they meet certain qualifications.
- Motorist assault is defined as an act by a motorist that results in physical injury to those DOT employees.

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### HOUSE COMMITTEE ON TRANSPORTATION

**Majority Report:** Do pass. Signed by 18 members: Representatives Fisher, Chair; Cooper, Vice Chair; Lovick, Vice Chair; Haigh, Hankins, Jackley, Jarrett, Morell, Murray, Ogden, Reardon, Rockefeller, Romero, Simpson, Skinner, Sullivan, Wood and Woods.

**Minority Report:** Without recommendation. Signed by 7 members: Representatives Mitchell, Ranking Minority Member; Anderson, Ericksen, Hatfield, Holmquist, Mielke and Schindler.

**Staff:** Penny Nerup (786-7335).

**Background:**

Certain state employees who have dangerous jobs where they are likely to suffer a physical injury are entitled to disability leave supplements, which result in the employee receiving the same pay as if the employee were on full-time active service. Those employees who are statutorily entitled to disability leave supplements include law enforcement, fire-fighters, corrections officers, and employees of the Department of Social and Health Services and Veterans Affairs who work within state institutions.

DOT employees who are injured on the job are currently entitled to benefits under either state industrial insurance law or through federal maritime law. They are not provided with disability leave supplements.

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**Summary of Bill:**

Disability leave supplements are provided to certain DOT employees who are victims of motorist assault. "Motorist assault" is defined as an act by a motorist that results in physical injury to a DOT employee while that employee is engaged in: (1) highway construction or maintenance activities along the roadway or right-of-way; or (2) the loading and unloading of passenger vehicles on state ferries.

To qualify for disability leave supplements, the secretary of transportation must find: (1) the employee was the victim of motorist assault and sustained demonstrated physical injuries that required the employee to miss one or more days of work; (2) the assault was not attributable in any way to the employee's negligence, misconduct, or failure to follow any rules or condition of employment; (3) the employee's workers' compensation application or benefits under federal maritime laws have been approved; and (4) the employee's absences were justified.

Qualifying employees are eligible for the following benefits: (1) accumulated sick leave is not reduced for workdays missed; (2) full benefits, such as vacation leave, sick leave, and health insurance are continued; (3) employees covered by state industrial insurance receive the full amount of their net pay at the time of the injury for each workday missed for which they are not eligible to receive compensation under industrial insurance law; and (4) if the employee received compensation under state industrial insurance law or federal maritime law, the employee receives only the difference between that compensation and the employee's full net pay for the workdays missed.

The benefits of this program last one year from the date of the injury. Claims must be made within one year after the day the injury occurred. Additionally, the employee must diligently pursue compensation under state industrial insurance law or federal maritime law.

The DOT is responsible for making all payments required under this act. The DOT is not precluded from recovering these payments from the assaulting motorist.

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**Appropriation:** None.

**Fiscal Note:** Requested on February 6, 2002.

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

**Testimony For:** This bill will really help out DOT workers who are in high risk positions and who are injured on the job. These workers are not provided with an extra benefit, only made whole while they recover.

**Testimony Against:** None.

**Testified:** Brian Ziegler, Washington State Department of Transportation; and Bev Hermanson, Washington Federation of State Employees.