

---

SENATE BILL 5466

---

State of Washington                      59th Legislature                      2005 Regular Session

By Senators Parlette, Honeyford, Deccio, Mulliken, Hewitt and Delvin

Read first time 01/26/2005.                      Referred to Committee on Labor,  
Commerce, Research & Development.

1            AN ACT Relating to the calculation of wages under industrial  
2 insurance provisions; 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. In cases where the worker's  
10 wages are not fixed by the month, they shall be determined by  
11 multiplying the daily wage the worker was receiving at the time of the  
12 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 normally worked per day, week, or month.

18 The determination of a worker's wages shall not include wages for  
19 hours worked in excess of forty hours for any week unless the worker  
20 demonstrates a pattern of work in excess of forty hours per week for  
21 the same employer in the three months immediately preceding the injury.

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

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

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

--- END ---