

ESSB 5068 - H AMD 502

By Representative Condotta

FAILED 04/05/2011

1 On page 4, line 7, after "section" insert ". When a notice of
2 appeal is filed that includes a stay of abatement request, the
3 department must make available to the employer within five business
4 days all records relating to the violation that is the subject of the
5 appeal"

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7 On page 4, beginning on line 30, after "unless" strike "based on
8 the preliminary evidence it is more likely than not" and insert "the
9 board finds based on clear and convincing evidence"

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11 On page 5, beginning on line 1, strike all of subsection (6)

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EFFECT: Provides that the Board of Industrial Insurance Appeals (Board) must grant a stay where there is good cause unless the Board finds based on clear and convincing evidence (rather than it is more likely than not based on the preliminary evidence) that a stay would result in death or serious physical harm to a worker. Requires the Department of Labor and Industries (Department) to provide an employer with all records relating to a violation that is the subject of an appeal and stay request within five business days of the appeal. Deletes requirement that the Department adopt rules to implement abatement on appeal provisions. (Also deletes statements in the rule-making subsection regarding when the Department and Board will not grant stays.)

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