

EHB 2123 - S AMD 469

By Senators Conway, Nelson, Keiser, Chase

NOT ADOPTED 05/23/2011

1 On page 11, line 32, after "appeals" insert ", must contain a
2 statement that the right to medical benefits cannot be waived or
3 resolved, and must contain a statement that accepting the agreement
4 means surrendering rights to workers compensation benefits the worker
5 has and benefits the worker may be entitled to receive in the future"

6
7 On page 14, line 24, after "final." Insert "Failure to pay
8 benefits due during negotiation of a settlement agreement until it
9 becomes final and binding is considered coercion and will subject the
10 employer to penalty or corrective action under subsection 12 of this
11 section, and the worker will have the option to rescind the settlement
12 agreement."

13
14 On page 15, line 24, after "RCW 51.14.030." insert "A worker who
15 has entered into a settlement agreement with an employer who has been
16 found to have engaged in a pattern of coercion during the negotiation
17 of the worker's agreement by the department has the option to rescind
18 his or her settlement agreement, even if the determination of coercion
19 has been made after the thirty day revocation period established in
20 subsection six of this section. For the purposes of this subsection,
21 a employer will be found to have engaged in a pattern of coercion if
22 the employer uses a threat to withhold payment of benefits or take
23 adverse employment actions, or uses misrepresentation of worker rights
24 or benefits, to compel or induce a person to enter into a settlement
25 agreement. Any penalty imposed on an employer pursuant to this
26 subsection will be collected by the department and paid to the
27 worker."

1
2 On page 15, line 33, after "employment." Insert "Use of a prior
3 settlement agreement in violation of this subsection is an unfair
4 practice in employment and subjects the employer to remedies
5 established in Chapter 49.60 RCW. If the department determines that
6 an employer has used settlement agreement information obtained under
7 this section in an unauthorized manner, the employer may be subject to
8 penalty or corrective action, and may be removed from the
9 retrospective rating program or be decertified from self-insurance
10 under RCW 51.14.030."
11

EFFECT: Provides that settlement agreements must contain a statement that medical benefits cannot be waived and that accepting the agreement means the worker may be surrendering rights to workers compensation benefits the worker has and benefits the worker may be entitled to receive in the future.

Provides that failure to pay benefits due during negotiation of a settlement agreement until it becomes final is coercion and subjects the employer to penalty or corrective action and gives the worker the option to rescind the agreement.

Provides that a worker who has entered into a settlement agreement with an employer who has been found to have engaged in a pattern of coercion during the negotiation of the worker's agreement by the department has the option to rescind his or her settlement agreement, even if outside the 30 day revocation period. Provides that a employer will be found to have engaged in a pattern of coercion if the employer uses a threat to withhold payment of benefits or take adverse employment actions, or uses misrepresentation of worker rights or benefits, to compel or induce a person to enter into a settlement agreement. Any penalty imposed on an employer pursuant to this subsection will be collected by the department and paid to the worker.

Provides that use of a prior settlement agreement in a hiring decision is an unfair practice in employment and subjects the employer to remedies established in Chapter 49.60 RCW. If the department determines that an employer has used settlement agreement information in an unauthorized manner, the employer may be subject to penalty or corrective action, and may be removed from the retrospective rating program or be decertified from self-insurance under RCW 51.14.030.

--- END ---