

HOUSE BILL REPORT

HB 2507

As Passed House:
February 17, 2016

Title: An act relating to clarifying reimbursement for employees who are victims of offender assaults.

Brief Description: Clarifying reimbursement for employees who are victims of offender assaults.

Sponsors: Representatives Klippert, Blake, Walsh, Tharinger, Haler, Ormsby, Van De Wege, Nealey and Wilson.

Brief History:

Committee Activity:

General Government & Information Technology: 1/26/16, 1/29/16 [DP].

Floor Activity:

Passed House: 2/17/16, 98-0.

Brief Summary of Bill

- Adjusts the term of wage reimbursement by the Department of Corrections and the Department of Natural Resources for employees who are victims of offender assaults from 365 days from the date of injury to the date of termination of time-loss benefits by the Department of Labor and Industries.

HOUSE COMMITTEE ON GENERAL GOVERNMENT & INFORMATION TECHNOLOGY

Majority Report: Do pass. Signed by 7 members: Representatives Hudgins, Chair; Kuderer, Vice Chair; MacEwen, Ranking Minority Member; Caldier, Assistant Ranking Minority Member; Johnson, Morris and Senn.

Staff: Rachelle Harris (786-7137).

Background:

Workers' Compensation.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

Washington's industrial insurance provides medical and time-loss benefits to workers injured in the course of their employment. Time-loss benefits provide partial wage reimbursement in the case of temporary total disability. The amount of time-loss benefits provided is 60 to 75 percent of the worker's wages, depending on the worker's marital status and number of dependents. Time-loss benefits are paid as long as the total disability continues. When recovery is complete and the earning power of the worker is restored, time-loss payments cease. The Department of Labor and Industries (L&I) administers the industrial insurance and workers' compensation system.

Offender Assault Compensation.

Employees of the Department of Corrections (DOC) and the Department of Natural Resources (DNR) may receive wage reimbursement when they miss workdays as a result of being assaulted by a DOC offender. These employees are entitled to reimbursement if the Secretary of the DOC or the Commissioner of Public Lands, or one of their designees, finds the following:

1. that the employee has been assaulted by an offender during the course of the employee's official duties;
2. that the employee sustained injuries as a result of that assault that require missed workdays; and
3. that the assault is not the result of employee negligence, misconduct, or failure to comply with rules or conditions of their employment.

For workdays missed in which the employee will or has received workers' compensation benefits, the employing agency will reimburse them an amount which, when added to their compensation benefits paid through the L&I, results in full pay for each workday missed. For workdays missed in which the employee is not eligible to receive workers' compensation benefits, the employing agency will reimburse them for their full pay for each workday missed. The agency's portion of wage reimbursement for offender-assaulted employees may not last longer than 365 days after the date of injury.

Summary of Bill:

Wage reimbursement by the DOC and the DNR to employees who miss work as a result of being assaulted by an offender may not continue longer than the date of termination of time-loss benefits by the L&I.

Appropriation: None.

Fiscal Note: Available.

Effective Date: The bill takes effect 90 days after adjournment of the session in which the bill is passed.

Staff Summary of Public Testimony:

(In support) Department of Natural Resources partners with the DOC and Juvenile Rehabilitation Administration (JRA) in the "camps" program to provide work experience for offenders. There are five corrections facilities and one JRA facility that we use for work

camps. Offender work crews are supervised most frequently for fire suppression and other natural resource management activities. This is a very long-standing partnership. This program allows offenders to learn how to take responsibility for their actions and to learn transferrable work and life skills. Offenders chosen for the camps program are screened by the DOC and the JRA before they can participate. Overall, the DNRs experience with the program has been positive, though there is a certain element of risk to supervising these individuals. Only one DNR staff member has ever been assaulted by a DOC offender. The bill is not so much about quantity as much as being a message to employees that they are supported when they are subject to an assault. The DOC staff work hard at maintaining safety, and they interact with offenders on a daily basis. Very few assaults result in long term injuries, but there are a few instances where there are injuries that last for longer than one year and need subsequent wage reimbursement. It would have a very important impact on corrections officers in the future who sustain injuries.

(Opposed) None.

Persons Testifying: Phil Wilson, Department of Natural Resources; Michelle Woodrow, Teamsters 117; David Lynch; and Joschue Reyes

Persons Signed In To Testify But Not Testifying: