
**Labor & Workplace Standards
Committee**

HB 1629

Brief Description: Extending the redetermination timeline regarding appeals to the department of labor and industries.

Sponsors: Representatives Sells and Manweller; by request of Department of Labor & Industries.

Brief Summary of Bill

- Changes the time extension to resolve a Washington Industrial Health and Safety Act appeal on reassumption of the appeal by the Department of Labor and Industries from 15 to 45 days.

Hearing Date: 2/2/17

Staff: Joan Elgee (786-7106).

Background:

Under the Washington Industrial Health and Safety Act (WISHA), the Department of Labor and Industries (Department) adopts safety and health standards governing the conditions of employment in all workplaces. The Department may inspect and investigate workplaces and must issue a citation if an employer has violated the standards. The citation identifies the violation and a reasonable time for abatement of the violation. The Department also notifies the employer of the penalty assessed. An employer has 15 working days from the issuance of the citation to notify the Director (Director) of the Department that the employer intends to appeal the citation or assessment. Also, employees or their representative may file a notice within the 15 day time period that the abatement time period is unreasonable.

The Director may reassume jurisdiction to gather more information and decide whether to make changes to the citation, penalty, or abatement date. During a reassumption, the Department may

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hold an informal conference and give the employer and employees an opportunity to present relevant facts and opinions.

If the Director reassumes jurisdiction, any corrected citations, penalty assessments or periods of abatement must be completed within 30 days. If all parties to the appeal agree, the redetermination period may be extended for up to 15 days.

If the Director does not reassume jurisdiction, the Director notifies the Board of Industrial Insurance Appeals (Board) and certifies the record to the Board. Similarly, after a redetermination, parties may appeal the redetermination directly to the Board.

Summary of Bill:

The extension of time to resolve a WISHA appeal during a reassumption is changed from 15 to 45 days. The requirement that all parties agree to the extension is retained.

Appropriation: None.

Fiscal Note: Available.

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