

FINAL BILL REPORT

HB 1629

C 13 L 17
Synopsis as Enacted

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.

House Committee on Labor & Workplace Standards
Senate Committee on Commerce, Labor & Sports

Background:

Under the Washington Industrial Safety and Health 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 period 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 of the Department (Director) that the employer intends to appeal the citation or assessment. Also, employees or their representatives may file a notice within the 15-day time period that the abatement time period is unreasonable.

Upon notice of appeal, the Director may reassume jurisdiction to gather more information and decide whether to make changes to the citation, penalty, or abatement time period. During a reassumption, the Department may 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:

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.

The extension of time to resolve a WISHA appeal during a reassumption is changed from 15 to 45 days. All parties must continue to agree to the extension.

Votes on Final Passage:

House	96	0
Senate	45	0

Effective: January 1, 2018