

HOUSE BILL REPORT

HB 1629

As Passed Legislature

Title: An act relating to extending the redetermination timeline regarding appeals to the department of labor and industries.

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 History:

Committee Activity:

Labor & Workplace Standards: 2/2/17, 2/13/17 [DP].

Floor Activity:

Passed House: 2/27/17, 96-0.

Passed Senate: 3/31/17, 45-0.

Passed Legislature.

Brief Summary of Bill

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

HOUSE COMMITTEE ON LABOR & WORKPLACE STANDARDS

Majority Report: Do pass. Signed by 7 members: Representatives Sells, Chair; Gregerson, Vice Chair; Manweller, Ranking Minority Member; McCabe, Assistant Ranking Minority Member; Doglio, Frame and Pike.

Staff: Joan Elgee (786-7106).

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

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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 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 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 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 on January 1, 2018.

Staff Summary of Public Testimony:

(In support) The bill extends timelines and is recommended.

(Opposed) None.

Persons Testifying: Representative Sells, prime sponsor; and Tammy Fellin, Department of Labor and Industries.

Persons Signed In To Testify But Not Testifying: None.