

SENATE BILL REPORT

SHB 1655

As of February 20, 2018

Title: An act relating to providing industrial insurance coverage for stress-caused mental disorders and disabilities of members of the law enforcement officers' and firefighters' retirement system.

Brief Description: Allowing industrial insurance coverage for stress-caused mental disorders and disabilities of members of the law enforcement officers' and firefighters' retirement system.

Sponsors: House Committee on Appropriations (originally sponsored by Representatives Lovick, Holy, Griffey, Hayes, Sells, Doglio, Stokesbary, Frame, Irwin, Fitzgibbon, Pike, Fey, Goodman, Pollet and Stanford).

Brief History: Passed House: 3/03/17, 84-13; 1/18/18, 85-11.

Committee Activity: Commerce, Labor & Sports: 3/22/17.

Labor & Commerce: 2/21/18.

Brief Summary of Bill

- Provides an exception for claims made by members of the Law Enforcement Officers' and Firefighters' Retirement System (LEOFF) to the requirement that the Department of Labor and Industries (L&I) adopt a rule that claims based on stress-caused mental conditions or disabilities do not fall within the industrial insurance definition of occupational disease.

SENATE COMMITTEE ON COMMERCE, LABOR & SPORTS

Staff: Susan Jones (786-7404)

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Background: Under the state's industrial insurance laws, a worker who, in the course of employment, is injured or suffers disability from an occupational disease is entitled to certain

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benefits. An occupational disease is one that arises naturally and proximately out of employment.

The law provides that L&I must adopt a rule that claims based on mental conditions or mental disabilities caused by stress are specifically excluded from the definition of an occupational disease. The L&I rule provides that these stress-caused mental conditions or disabilities claims do not fall within the definition of an occupational disease. Examples in the rule of mental conditions or mental disabilities caused by stress that do not fall within occupational disease include those conditions and disabilities resulting from:

- change of employment duties;
- conflicts with a supervisor;
- actual or perceived threat of loss of a job, demotion, or disciplinary action;
- relationships with supervisors, coworkers, or the public;
- specific or general job dissatisfaction;
- work load pressures;
- subjective perceptions of employment conditions or environment;
- loss of job or demotion for whatever reason;
- fear of exposure to chemicals, radiation biohazards, or other perceived hazards;
- objective or subjective stresses of employment;
- personnel decisions; or
- actual, perceived, or anticipated financial reversals or difficulties occurring to the businesses of self-employed individuals or corporate officers.

Under this rule, stress resulting from exposure to a single traumatic event, such as actual or threatened death, actual or threatened physical assault, actual or threatened sexual assault, and life-threatening traumatic injury, may be considered an industrial injury. These exposures must occur in one of the following ways:

- directly experiencing the event;
- witnessing, in person, the event as it occurred to others; or
- extreme exposure to aversive details of the event.

Repeated exposure to traumatic events, none of which are a single traumatic event is not an industrial injury or an occupational disease. A single traumatic event that occurs within a series of exposures may be considered an industrial injury.

LEOFF provides payment of death, disability, and retirement benefits to law enforcement officers and firefighters. The term law enforcement officer generally includes full-time commissioned county sheriffs, deputy sheriffs, and city police. The term firefighter generally includes full-time city and county firefighters, city and county firefighter supervisory personnel, and full-time city and county emergency medical technicians.

Summary of Bill: L&I must adopt rules that claims based on stress-caused mental conditions or disabilities are excluded from the industrial insurance definition of occupational disease, except for claims made by members of LEOFF.

Appropriation: None.

Fiscal Note: Available. New fiscal note requested on February 12, 2018.

Creates Committee/Commission/Task Force that includes Legislative members: No.

Effective Date: Ninety days after adjournment of session in which bill is passed.