

HOUSE BILL REPORT

SHB 2758

As Passed Legislature

Title: An act relating to recognizing posttraumatic stress disorders of 911 emergency dispatch personnel.

Brief Description: Recognizing posttraumatic stress disorders of 911 emergency dispatch personnel.

Sponsors: House Committee on Labor & Workplace Standards (originally sponsored by Representatives Corry, Pettigrew, Chandler, Davis, Eslick, McCaslin, Dent, Morgan, Gildon, Lekanoff and Pollet).

Brief History:

Committee Activity:

Labor & Workplace Standards: 1/27/20, 2/6/20 [DPS];
Appropriations: 2/10/20 [DPS(LAWS)].

Floor Activity:

Passed House: 2/18/20, 97-0.
Passed Senate: 3/6/20, 48-0.
Passed Legislature.

Brief Summary of Substitute Bill

- Provides that the Department of Labor and Industries rule excluding claims based on stress-related mental conditions does not apply to claims of posttraumatic stress disorders of public safety telecommunicators.

HOUSE COMMITTEE ON LABOR & WORKPLACE STANDARDS

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 4 members: Representatives Sells, Chair; Chapman, Vice Chair; Gregerson and Ormsby.

Minority Report: Do not pass. Signed by 3 members: Representatives Mosbrucker, Ranking Minority Member; Chandler, Assistant Ranking Minority Member; Hoff.

Staff: Trudes Tango (786-7384).

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.

HOUSE COMMITTEE ON APPROPRIATIONS

Majority Report: The substitute bill by Committee on Labor & Workplace Standards be substituted therefor and the substitute bill do pass. Signed by 25 members: Representatives Ormsby, Chair; Robinson, 1st Vice Chair; Bergquist, 2nd Vice Chair; Rude, Assistant Ranking Minority Member; Caldier, Chandler, Chopp, Cody, Corry, Dolan, Fitzgibbon, Hansen, Hudgins, Kilduff, Macri, Pettigrew, Pollet, Ryu, Senn, Springer, Steele, Sullivan, Tarleton, Tharinger and Ybarra.

Minority Report: Do not pass. Signed by 6 members: Representatives Stokesbary, Ranking Minority Member; Dye, Hoff, Kraft, Schmick and Sutherland.

Minority Report: Without recommendation. Signed by 1 member: Representative Mosbrucker.

Staff: David Pringle (786-7310).

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

Claims based on mental conditions or mental disabilities caused by stress specifically do not fall within the definition of occupational disease. Rules adopted by the Department of Labor and Industries (Department) provide examples of excluded conditions, including conditions or disabilities resulting from:

- relationships with supervisors, coworkers, or the public;
- workload pressures; or
- objective, or subjective, stresses of employment.

Repeated exposure to traumatic events, none of which are a single traumatic event, is not an industrial injury or an occupational disease. Stress resulting from exposure to a single traumatic event, such as actual or threatened death or life-threatening injury, may constitute an industrial injury. The exposure may be from directly experiencing the event, witnessing it, or having extreme exposure to aversive details of the traumatic event.

The rule excluding claims based on mental conditions or mental disabilities caused by stress does not apply to occupational disease claims resulting from posttraumatic stress disorders (PTSD) of certain firefighters and law enforcement officers. For the exemption to apply to firefighters and law enforcement officers hired after June 7, 2018, the firefighter or law enforcement officer must have, as a condition of employment, submitted to a psychological exam that ruled out PTSD from preemployment exposures. If the employer does not provide the exam, the exemption applies.

Posttraumatic stress disorder is not considered an occupational disease if the disorder is directly attributed to disciplinary action, work evaluation, job transfer, layoff, demotion, termination, or similar action taken in good faith by an employer.

Summary of Substitute Bill:

The rule excluding claims based on mental conditions or mental disabilities caused by stress does not apply to public safety telecommunicators who receive calls for assistance and dispatch emergency services. For public safety telecommunicators hired after the effective date of the act, the exemption applies only if the individual submitted to a psychological exam that ruled out the presence of PTSD from preemployment exposures. If the employer does not provide the exam, the exemption applies. "Public safety telecommunicators" are individuals who receive and respond to telephone or other electronic requests for emergency assistance and dispatch appropriate emergency responders.

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 (Labor & Workplace Standards):

(In support) There is a misconception that 911 operators just dispatch calls, but they are actually the real first responders. They have to give advice, coach people, and do many things before a first responder shows up at the scene. They protect and save lives. They can get PTSD in the line of duty. They answer calls from dying people, they hear when crimes are being committed in real time, and they are exposed to a lot of trauma.

(Opposed) This area of the law continues to be amended in a piecemeal fashion based on job classification. The Department needs to take a wholistic approach and look at all the appropriate job classes that might be subject to this exemption. There is a cost to employers. The PTSD presumption for firefighters caused an increase in premiums.

Staff Summary of Public Testimony (Appropriations):

(In support) After sitting in with some of the local 911 telecommunicators while they were on duty, the stress that these public safety employees deal with on the job was apparent. These 911 personnel are on the phones dealing with people in crisis, fulfilling a stressful and critical role in our emergency response system until emergency responders arrive on the scene.

(Opposed) None.

Persons Testifying (Labor & Workplace Standards): (In support) Representative Corry, prime sponsor; Richard Kirton, Association of Public-Safety Communications Officials and National Emergency Number Association; and Julie Schilling.

(Opposed) Candice Bock, Association of Washington Cities.

Persons Testifying (Appropriations): Representative Corry, prime sponsor.

Persons Signed In To Testify But Not Testifying (Labor & Workplace Standards): None.

Persons Signed In To Testify But Not Testifying (Appropriations): None.