

SENATE BILL REPORT

SHB 2758

As Passed Senate, March 6, 2020

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: Passed House: 2/18/20, 97-0.

Committee Activity: Labor & Commerce: 2/24/20, 2/25/20 [DP].

Floor Activity:

Passed Senate: 3/06/20, 48-0.

Brief Summary of First 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.

SENATE COMMITTEE ON LABOR & COMMERCE

Majority Report: Do pass.

Signed by Senators Keiser, Chair; Conway, Vice Chair; King, Ranking Member; Braun, Saldaña, Schoesler, Stanford, Walsh and Wellman.

Staff: Susan Jones (786-7404)

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.

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 Department of Labor and Industries (L&I) was required to adopt a rule that claims based on mental conditions or mental disabilities caused by stress specifically do not fall within the definition of occupational disease. Rules adopted by L&I 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 First Substitute Bill: 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 of 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.

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

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

Staff Summary of Public Testimony: PRO: Research exists regarding how secondary trauma can cause PTSD. 911 operators understand the trauma. They see, feel, and hear the

trauma every working day. The types of trauma were described. They give help to people; give 911 operators the help they need.

Persons Testifying: PRO: Maggie Eastman, citizen.

Persons Signed In To Testify But Not Testifying: No one.