

ESSB 5115 - H AMD TO LAWS COMM AMD (H-1304.2/21) **540**

By Representative Berry

ADOPTED 04/05/2021

1 On page 2, beginning on line 14 of the striking amendment, after
2 "(5)" strike all material through "(d)" on line 34

3
4 On page 5, line 28 of the striking amendment, after "RCW
5 43.06.010(12)" insert "in every county in the state"

6
7 On page 6, line 40 of the striking amendment, after "prevention;"
8 strike "or" and insert "and"

9

EFFECT:

- Removes the requirement that the opposing party pay the costs of appeal when the claim for benefits is allowed on appeal, and the provision specifying that when costs of appeal are paid by the Department of Labor and Industries in a state fund case, the costs must be paid from the Accident fund and charged to the costs of the claim.
- Specifies that, for purposes of the workers' compensation presumption, the "public health emergency" based on the Governor's declaration must be a statewide emergency.
- Requires that for a person to be considered a "high risk employee" for purposes of the antidiscrimination provision, the person must meet *both*, rather than either, conditions listed (meet the definition of high risk under the Centers for Disease Control and Prevention and have a medical provider recommend removal from the workplace due to high risk of illness).

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