

HOUSE BILL REPORT

SSB 5701

As Passed House:

March 1, 2022

Title: An act relating to determining monthly wages for workers' compensation.

Brief Description: Determining monthly wages for workers' compensation.

Sponsors: Senate Committee on Ways & Means (originally sponsored by Senators Nguyen, Frockt, Hasegawa, Nobles and Wilson, C.).

Brief History:

Committee Activity:

Labor & Workplace Standards: 2/18/22, 2/23/22 [DP].

Floor Activity:

Passed House: 3/1/22, 61-34.

Brief Summary of Substitute Bill

- Provides for the monthly wage under workers' compensation for inmates and institutional patients to be based on the usual wage paid in like or similar occupations where the wages are fixed.
- Requires the Department of Labor and Industries to submit a report to the Legislature on impacted claims by December 1, 2024.

HOUSE COMMITTEE ON LABOR & WORKPLACE STANDARDS

Majority Report: Do pass. Signed by 5 members: Representatives Sells, Chair; Berry, Vice Chair; Hoff, Ranking Minority Member; Bronoske and Ortiz-Self.

Minority Report: Without recommendation. Signed by 2 members: Representatives Mosbrucker, Assistant Ranking Minority Member; Harris.

Staff: Lily Smith (786-7175).

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not part of the legislation nor does it constitute a statement of legislative intent.

Background:

Workers who are injured in the course of employment or who are affected by an occupational disease are entitled to workers' compensation benefits, which may include medical, temporary time-loss, and other benefits. The Department of Labor and Industries (L&I) administers the state's workers' compensation system.

The monthly wages the worker was receiving from all employment at the time of injury is the basis upon which compensation is computed. In cases where a wage has not been fixed or cannot be reasonably and fairly determined, the monthly wage is computed on the basis of the usual wage paid to other employees engaged in like or similar occupations where the wages are fixed.

For purposes of minimum wage laws, the term "employee" does not include any resident, inmate, or patient of a state, county, or municipal correctional, detention, treatment, or rehabilitative institution.

Summary of Bill:

The monthly wage for workers' compensation purposes for any resident, inmate, or patient of a state, county, or municipal correctional, detention, treatment, or rehabilitative institution must be computed on the basis of the usual wage paid other employees engaged in like or similar occupations where the wages are fixed. For this determination, "other employees" does not include other residents, inmates, or patients of those institutions.

By December 1, 2024, the L&I must submit a report to the Legislature that details the number of claims which were impacted by this act from July 1, 2022, to June 30, 2024.

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:

(In support) This bill will right a wrong that does not impact a large number of people, but would impact a small number of people in a large way.

(Opposed) None.

Persons Testifying: Senator Joe Nguyen, prime sponsor.

Persons Signed In To Testify But Not Testifying: None.