
**Labor & Workplace Standards
Committee**

SB 5875

Brief Description: Adding employees employed by the department of licensing who are assigned to review, process, approve, and issue driver licenses to the definition of frontline employees under the health emergency labor standards act.

Sponsors: Senators Nguyen, Lovelett, Lovick, Nobles, Stanford and Wilson, C..

Brief Summary of Bill

- Applies the Health Emergency Labor Standards Act (HELSA) occupational disease presumption to certain Department of Licensing employees.

Hearing Date: 2/16/22

Staff: Lily Smith (786-7175).

Background:

Occupational Diseases Under Workers' Compensation.

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. To prove an occupational disease, the worker must show the disease arose naturally and proximately out of employment. For certain occupations, such as firefighters, there is a presumption that certain medical conditions are occupational diseases.

Health Emergency Labor Standards Act (HELSA).

Engrossed Substitute Senate Bill 5115 (the Health Emergency Labor Standards Act, or HELSA), enacted in 2021, established a presumption of occupational disease during a public health

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emergency for frontline employees. The HELSA presumption covers any infectious or contagious diseases transmitted through respiratory droplets or aerosols, or through contact with contaminated surfaces, that are the subject of a public health emergency.

The HELSA presumption may be rebutted by a preponderance of the evidence that:

- exposure to the disease occurred from other employment or nonemployment activities; or
- the employee was working from the employee's home or was on leave for a period of quarantine consistent with recommended guidance from state and federal health officials immediately prior to the employee's injury, occupational disease, or period of incapacity that resulted from exposure to the disease.

Frontline employees covered by the HELSA presumption include first responder, retail, and mass transportation service employees, among others. For certain types of employees, such as retail, restaurant, and public library employees, the employee must have in-person interactions to be covered.

Summary of Bill:

Department of Licensing employees assigned to review, process, approve, and issue driver licenses to the general public that have in-person interactions are considered frontline employees for purposes of the HELSA presumption.

Appropriation: None.

Fiscal Note: Available.

Effective Date: The bill takes effect 90 days after adjournment of the session in which the bill is passed.