

FINAL BILL REPORT

SB 5875

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Synopsis as Enacted

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..

Senate Committee on Labor, Commerce & Tribal Affairs
House Committee on Labor & Workplace Standards

Background: Workers' Compensation. 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. 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. In 2021, the Legislature passed ESSB 5115, the Health Emergency Labor Standards Act (HELSA). Under HELSA, for frontline employees, there is a presumption that any infectious or contagious diseases transmitted through respiratory droplets or aerosols, or through contact with contaminated surfaces, and are the subject of a public health emergency, are occupational diseases during a public health emergency for the purposes of workers' compensation.

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

- exposure to the disease occurred from other employment or non-employment 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.

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.

HELSA includes a statutory list of the types of employees included in the definition of frontline employee. For certain types of employees, such as retail, restaurant, and public library employees, there is a requirement that the employee must have in-person interaction with the general public or other employees.

Summary: Department of Licensing employees who are assigned to review, process, approve, and issue driver licenses to the general public that have in-person interaction with the general public as part of their job duties, or have in-person interaction with other employees, are added to the list of frontline employees eligible for the workers' compensation presumption under HELSA.

Votes on Final Passage:

Senate	28	21
House	53	41

Effective: June 9, 2022