
SUBSTITUTE HOUSE BILL 1244

State of Washington 60th Legislature 2007 Regular Session

By House Committee on Commerce & Labor (originally sponsored by Representatives Conway, Hankins, Clibborn, Wood, Hunt, Haler, Morrell, Kirby, Hasegawa, Moeller, Sells, Strow, McCoy, O'Brien, Ericks, Simpson, Green, Campbell, Williams, Kenney and Ormsby)

READ FIRST TIME 02/20/07.

1 AN ACT Relating to industrial insurance, but only with respect to
2 defining wages to include the cost of health insurance; amending RCW
3 51.08.178; and creating a new section.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5 **Sec. 1.** RCW 51.08.178 and 1988 c 161 s 12 are each amended to read
6 as follows:

7 (1) For the purposes of this title, the monthly wages the worker
8 was receiving from all employment at the time of injury shall be the
9 basis upon which compensation is computed unless otherwise provided
10 specifically in the statute concerned. In cases where the worker's
11 wages are not fixed by the month, they shall be determined by
12 multiplying the daily wage the worker was receiving at the time of the
13 injury:

- 14 (a) By five, if the worker was normally employed one day a week;
- 15 (b) By nine, if the worker was normally employed two days a week;
- 16 (c) By thirteen, if the worker was normally employed three days a
17 week;
- 18 (d) By eighteen, if the worker was normally employed four days a
19 week;

- 1 (e) By twenty-two, if the worker was normally employed five days a
2 week;
- 3 (f) By twenty-six, if the worker was normally employed six days a
4 week;
- 5 (g) By thirty, if the worker was normally employed seven days a
6 week.

7 The term "wages" shall include the reasonable value of board,
8 housing, fuel, health care, or other consideration of like nature
9 received from the employer as part of the contract of hire, (~~but~~)
10 unless the employer continues ongoing and current payment or
11 contributions for such benefit at the same level as provided at the
12 time of injury. Wages shall not include overtime pay except in cases
13 under subsection (2) of this section. However, tips shall also be
14 considered wages only to the extent such tips are reported to the
15 employer for federal income tax purposes. The daily wage shall be the
16 hourly wage multiplied by the number of hours the worker is normally
17 employed. The number of hours the worker is normally employed shall be
18 determined by the department in a fair and reasonable manner, which may
19 include averaging the number of hours worked per day.

20 (2) In cases where (a) the worker's employment is exclusively
21 seasonal in nature or (b) the worker's current employment or his or her
22 relation to his or her employment is essentially part-time or
23 intermittent, the monthly wage shall be determined by dividing by
24 twelve the total wages earned, including overtime, from all employment
25 in any twelve successive calendar months preceding the injury which
26 fairly represent the claimant's employment pattern.

27 (3) If, within the twelve months immediately preceding the injury,
28 the worker has received from the employer at the time of injury a bonus
29 as part of the contract of hire, the average monthly value of such
30 bonus shall be included in determining the worker's monthly wages.

31 (4) In cases where a wage has not been fixed or cannot be
32 reasonably and fairly determined, the monthly wage shall be computed on
33 the basis of the usual wage paid other employees engaged in like or
34 similar occupations where the wages are fixed.

35 NEW SECTION. **Sec. 2.** Section 1 of this act applies to all wage

1 determinations issued on or after the effective date of this act.

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