

SENATE BILL REPORT

SB 6600

As Passed Senate, February 14, 2000

Title: An act relating to motorist assault upon department of transportation employees.

Brief Description: Compensating highway and ferry workers for motorist assault.

Sponsors: Senator Haugen.

Brief History:

Committee Activity: Transportation: 2/1/2000, 2/8/2000 [DP, DNP].
Passed Senate, 2/14/2000, 43-5.

SENATE COMMITTEE ON TRANSPORTATION

Majority Report: Do pass.

Signed by Senators Haugen, Chair; Gardner, Vice Chair; Goings, Vice Chair; Costa, Eide, Heavey, Jacobsen, Oke, Patterson, Prentice, Shin and Swecker.

Minority Report: Do not pass.

Signed by Senators Benton, Horn, Johnson and Morton.

Staff: Michelle Chase (786-7305)

Background: Department of Transportation employees who are injured on the job are currently entitled to benefits under either state industrial insurance law or federal maritime law such as the Jones Act.

Summary of Bill: A program is created to provide supplemental reimbursement to employees of the Department of Transportation who are victims of motorist assault.– Motorist assault– is defined as an act by a motorist that results in physical injury to an employee of the Department of Transportation while that employee is engaged in: (1) highway construction or maintenance activities along the roadway right-of-way or (2) the loading and unloading of passenger vehicles on state ferries.

Qualification for Benefits. The Secretary of Transportation must find:

- (1) the employee was a victim of motorist assault and sustained demonstrated physical injuries that required the employee to miss one or more days of work;
- (2) the assault was not attributable in any way to the employee's negligence, misconduct, or failure to follow any rules or conditions of employment;
- (3) the employee's workers' compensation application or benefits under federal maritime laws have been approved; and

- (4) the employee's absences were justified.

Benefits.

- (1) the employee's accumulated sick leave days are not reduced for the workdays missed;
- (2) the employee continues to receive full benefits, such as vacation leave, sick leave, health insurance;
- (3) employees covered by state industrial insurance receive the full amount of their net pay at the time of the injury for each workday missed for which they are not eligible to receive compensation under state industrial insurance law;
- (4) if the employee has received compensation under state industrial insurance law or federal maritime law, the employee receives only the difference between that compensation and the employee's full net pay for the workdays missed.

The benefits of this program last one year from the date of the injury. Claims must be made within one year after the day the injury occurred. Additionally, the employee must diligently pursue compensation under state industrial insurance law or federal maritime law.

While receiving benefits under this section, the employee is still classified as a state employee and the amount received under this program is considered salary or wages. The Department of Transportation is responsible for making all payments required under this section. The department is not precluded from recovering these payments from the assaulting motorist.

If the Legislature revokes the reimbursement authorized by this section or repeals this section, no affected employee is entitled after that to receive the reimbursement as a matter of contractual right.

Appropriation: None.

Fiscal Note: Available.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Testimony For: Serious accidents and injuries often occur in highway construction work zones and on state ferries, and current industrial insurance and federal maritime benefits often do not provide workers with their full net pay. This should be a way to assist injured employees without significant costs. Similar legislation already benefits employees at state institutions and in the Department of Corrections.

Testimony Against: None.

Testified: PRO: Bev Hermanson, Washington Federation of State Employees; John Conrad, Department of Transportation.