

SENATE BILL REPORT

SB 5576

As Reported by Senate Committee On:
Commerce & Labor, February 11, 2015

Title: An act relating to worker reporting of workplace injuries for purposes of industrial insurance.

Brief Description: Addressing worker reporting of workplace injuries for purposes of industrial insurance.

Sponsors: Senators Baumgartner and Braun.

Brief History:

Committee Activity: Commerce & Labor: 2/02/15, 2/11/15 [DP, DNP].

SENATE COMMITTEE ON COMMERCE & LABOR

Majority Report: Do pass.

Signed by Senators Baumgartner, Chair; Braun, Vice Chair; King and Warnick.

Minority Report: Do not pass.

Signed by Senators Hasegawa, Ranking Minority Member; Conway and Keiser.

Staff: Mac Nicholson (786-7445)

Background: When a workplace accident occurs, the worker or someone on the worker's behalf must "forthwith" report the accident to the employer. The employer must report the accident and the injury at once to the Department of Labor and Industries when the worker receives certain treatment, becomes disabled, or dies. An industrial insurance claim for an injury generally must be filed within one year after the day the injury occurred. The worker or the physician may file the application.

Summary of Bill: A worker must immediately report any accident to the worker's employer or supervisor. The report must be in writing, signed by the worker, and submitted to the employer within 60 days of the date of the injury, or before the worker files an application for workers' compensation benefits, whichever comes first. If the worker is unable to notify the employer because of the injury, somebody may notify the employer as required on behalf of the worker. If a report is not submitted within the applicable timeframe, the application for benefits is not valid and the claim is unenforceable.

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

Appropriation: None.

Fiscal Note: Available.

Committee/Commission/Task Force Created: No.

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

Staff Summary of Public Testimony: PRO: This bill would provide a definition to "forthwith," and 60 days is generous. The bill will reduce fraud by reporting claims quicker, will increase return-to-work opportunities, and will help with job site safety.

CON: The bill could provide for a cost shift from industrial insurance to other health insurance. This bill is a trap. If the doctor sends in compensation forms before the work reports it, the claim will be void. The bill will require workers to hold off on care and instead make sure to submit paperwork to the employer, even when the employee is out of town. This bill will create a paperwork nightmare for police officers, who suffer subtle injuries that might not get diagnosed until after the 60-day window. Workers will file paperwork for every injury just to preserve their claim, even if it never becomes an industrial injury.

OTHER: Quick reporting is important. It's also important that injured workers get treatment quickly. This bill puts a process in place that requires a written report to the employer before treatment can be approved.

Persons Testifying: PRO: Bob Battles, Assn. of WA Business; Tom Kwieciak, Building Industry Assn. of WA.

CON: David Laumann, WA State Assn. for Justice; Joe Kendo, WA State Labor Council, AFL-CIO; Renee Maher, Council of Metropolitan Police and Sheriffs.

OTHER: Vickie Kennedy, Labor and Industries.