
SUBSTITUTE SENATE BILL 6286

State of Washington

64th Legislature

2016 Regular Session

By Senate Law & Justice (originally sponsored by Senators Pearson, Roach, Padden, Takko, Hargrove, Billig, Hewitt, and Conway)

READ FIRST TIME 02/05/16.

1 AN ACT Relating to reimbursement of correctional employees for
2 offender assaults; and amending RCW 72.09.240.

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

4 **Sec. 1.** RCW 72.09.240 and 2002 c 77 s 2 are each amended to read
5 as follows:

6 (1) In recognition of prison overcrowding and the hazardous
7 nature of employment in state correctional institutions and offices,
8 the legislature hereby provides a supplementary program to reimburse
9 employees of the department of corrections and the department of
10 natural resources for some of their costs attributable to their being
11 the victims of offender assaults. This program shall be limited to
12 the reimbursement provided in this section.

13 (2) An employee is only entitled to receive the reimbursement
14 provided in this section if the secretary of corrections or the
15 commissioner of public lands, or the secretary's or commissioner's
16 designee, finds that each of the following has occurred:

17 (a) An offender has assaulted the employee while the employee is
18 performing the employee's official duties and as a result thereof the
19 employee has sustained injuries which have required the employee to
20 miss days of work; and

1 (b) The assault cannot be attributable to any extent to the
2 employee's negligence, misconduct, or failure to comply with any
3 rules or conditions of employment.

4 (3) The reimbursement authorized under this section shall be as
5 follows:

6 (a) The employee's accumulated sick leave days shall not be
7 reduced for the workdays missed;

8 (b) For each workday missed for which the employee is not
9 eligible to receive compensation under chapter 51.32 RCW, the
10 employee shall receive full pay; and

11 (c) In respect to workdays missed for which the employee will
12 receive or has received compensation under chapter 51.32 RCW, the
13 employee shall be reimbursed in an amount which, when added to that
14 compensation, will result in the employee receiving full pay for the
15 workdays missed.

16 (4) Reimbursement under this section may not (~~last~~) continue
17 longer than three hundred sixty-five consecutive days after the date
18 of the injury or the date of termination of time loss benefits
19 related to the assault by the department of labor and industries,
20 whichever is later.

21 (5) The employee shall not be entitled to the reimbursement
22 provided in subsection (3) of this section for any workday for which
23 the secretary or the commissioner of public lands, or the secretary's
24 or commissioner's designee, finds that the employee has not
25 diligently pursued his or her compensation remedies under chapter
26 51.32 RCW.

27 (6) The reimbursement shall only be made for absences which the
28 secretary or the commissioner of public lands, or the secretary's or
29 commissioner's designee, believes are justified.

30 (7) While the employee is receiving reimbursement under this
31 section, he or she shall continue to be classified as a state
32 employee and the reimbursement amount shall be considered as salary
33 or wages.

34 (8) All reimbursement payments required to be made to employees
35 under this section shall be made by the department of corrections or
36 the department of natural resources. The payments shall be considered
37 as a salary or wage expense and shall be paid by the department of
38 corrections or the department of natural resources in the same manner
39 and from the same appropriations as other salary and wage expenses of
40 the department of corrections or the department of natural resources.

1 (9) Should the legislature revoke the reimbursement authorized
2 under this section or repeal this section, no affected employee is
3 entitled thereafter to receive the reimbursement as a matter of
4 contractual right.

5 (10) For the purposes of this section, "offender" means: (a)
6 Offender as defined in RCW 9.94A.030; and (b) any other person in the
7 custody of or subject to the jurisdiction of the department of
8 corrections.

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