

CERTIFICATION OF ENROLLMENT

**HOUSE BILL 2401**

57th Legislature  
2002 Regular Session

Passed by the House February 13, 2002  
Yeas 98 Nays 0

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**Speaker of the House of Representatives**

Passed by the Senate March 4, 2002  
Yeas 48 Nays 0

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**President of the Senate**

Approved

\_\_\_\_\_  
**Governor of the State of Washington**

CERTIFICATE

I, Cynthia Zehnder, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **HOUSE BILL 2401** as passed by the House of Representatives and the Senate on the dates hereon set forth.

\_\_\_\_\_  
**Chief Clerk**

FILED

**Secretary of State  
State of Washington**

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HOUSE BILL 2401

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Passed Legislature - 2002 Regular Session

State of Washington

57th Legislature

2002 Regular Session

By Representatives Doumit, Eickmeyer, Rockefeller, Sump, Jackley, Pearson, Ericksen, Hatfield, Chase, Edwards, McDermott and Haigh; by request of Department of Natural Resources

Read first time 01/16/2002. Referred to Committee on Natural Resources.

1 AN ACT Relating to assaults to employees of the department of  
2 natural resources; and amending RCW 72.01.045 and 72.09.240.

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

4 **Sec. 1.** RCW 72.01.045 and 1990 c 153 s 1 are each amended to read  
5 as follows:

6 (1) For purposes of this section only, "assault" means an  
7 unauthorized touching of an employee by a resident, patient, or  
8 juvenile offender resulting in physical injury to the employee.

9 (2) In recognition of the hazardous nature of employment in state  
10 institutions, the legislature hereby provides a supplementary program  
11 to reimburse employees of the department of social and health services,  
12 the department of natural resources, and the department of veterans  
13 affairs for some of their costs attributable to their being the victims  
14 of assault by residents, patients, or juvenile offenders. This program  
15 shall be limited to the reimbursement provided in this section.

16 (3) An employee is only entitled to receive the reimbursement  
17 provided in this section if the secretary of social and health  
18 services, the commissioner of public lands, or the director of the

1 department of veterans affairs, or the secretary's, commissioner's, or  
2 director's designee, finds that each of the following has occurred:

3 (a) A resident or patient has assaulted the employee and as a  
4 result thereof the employee has sustained demonstrated physical  
5 injuries which have required the employee to miss days of work;

6 (b) The assault cannot be attributable to any extent to the  
7 employee's negligence, misconduct, or failure to comply with any rules  
8 or conditions of employment; and

9 (c) The department of labor and industries has approved the  
10 employee's workers' compensation application pursuant to chapter 51.32  
11 RCW.

12 (4) The reimbursement authorized under this section shall be as  
13 follows:

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

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

19 (c) In respect to workdays missed for which the employee will  
20 receive or has received compensation under chapter 51.32 RCW, the  
21 employee shall be reimbursed in an amount which, when added to that  
22 compensation, will result in the employee receiving full pay for the  
23 workdays missed.

24 (5) Reimbursement under this section may not last longer than three  
25 hundred sixty-five consecutive days after the date of the injury.

26 (6) The employee shall not be entitled to the reimbursement  
27 provided in subsection (4) of this section for any workday for which  
28 the secretary, commissioner, director, or applicable designee, finds  
29 that the employee has not diligently pursued his or her compensation  
30 remedies under chapter 51.32 RCW.

31 (7) The reimbursement shall only be made for absences which the  
32 secretary, commissioner, director, or applicable designee believes are  
33 justified.

34 (8) While the employee is receiving reimbursement under this  
35 section, he or she shall continue to be classified as a state employee  
36 and the reimbursement amount shall be considered as salary or wages.

37 (9) All reimbursement payments required to be made to employees  
38 under this section shall be made by the employing department. The  
39 payments shall be considered as a salary or wage expense and shall be

1 paid by the department in the same manner and from the same  
2 appropriations as other salary and wage expenses of the department.

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

7 **Sec. 2.** RCW 72.09.240 and 1988 c 149 s 1 are each amended to read  
8 as follows:

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

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

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

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

27 (3) The reimbursement authorized under this section shall be as  
28 follows:

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

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

34 (c) In respect to workdays missed for which the employee will  
35 receive or has received compensation under chapter 51.32 RCW, the  
36 employee shall be reimbursed in an amount which, when added to that  
37 compensation, will result in the employee receiving full pay for the  
38 workdays missed.

1 (4) Reimbursement under this section may not last longer than three  
2 hundred sixty-five consecutive days after the date of the injury.

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

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

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

14 (8) All reimbursement payments required to be made to employees  
15 under this section shall be made by the department of corrections or  
16 the department of natural resources. The payments shall be considered  
17 as a salary or wage expense and shall be paid by the department of  
18 corrections or the department of natural resources in the same manner  
19 and from the same appropriations as other salary and wage expenses of  
20 the department of corrections or the department of natural resources.

21 (9) Should the legislature revoke the reimbursement authorized  
22 under this section or repeal this section, no affected employee is  
23 entitled thereafter to receive the reimbursement as a matter of  
24 contractual right.

25 (10) For the purposes of this section, "offender" means: (a)  
26 (~~Inmate as defined in RCW 72.09.020, (b)~~) Offender as defined in RCW  
27 9.94A.030(~~(7)~~); and (~~(e)~~) (b) any other person in the custody of or  
28 subject to the jurisdiction of the department of corrections.

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