

SENATE BILL REPORT

SHB 1884

As of March 18, 2013

Title: An act relating to the rate of compensation for occupational diseases.

Brief Description: Addressing the rate of compensation for occupational diseases.

Sponsors: House Committee on Labor & Workforce Development (originally sponsored by Representatives Sells, Hope, Dunshee, Rodne, Riccelli and Ryu).

Brief History: Passed House: 3/09/13, 91-6.

Committee Activity: Commerce & Labor: 3/20/13.

SENATE COMMITTEE ON COMMERCE & LABOR

Staff: Mac Nicholson (786-7445)

Background: Under the state's industrial insurance laws, workers who, in the course of employment, are injured or disabled from an occupational disease are entitled to benefits. Occupational disease is defined in the industrial insurance statutes as a disease or infection as arises naturally and proximately out of employment under the mandatory or elective adoption provisions of this title. Depending on the disability, workers are entitled to medical, temporary time-loss, and vocational rehabilitation benefits, as well as benefits for permanent disabilities. Time-loss benefits are calculated using the worker's rate of compensation at the time of injury. Time-loss and other benefits based on wages of the worker are subject to cost-of-living allowances (COLAs).

For occupational diseases, the rate of compensation is established as of the date the disease requires medical treatment or becomes totally or partially disabling, whichever is first.

Summary of Bill: The rate of compensation for occupational diseases that are known to be terminal will be established based on the greater of the wages the worker was receiving at:

- the date of disease manifestation, taking into consideration COLAs; or
- the time the occupational disease prevented the worker from continuing to work, regardless of disease manifestation or medical treatment, taking into consideration COLAs subsequent to the date the disease first prevented work.

The Department of Labor and Industries is given authority to adopt rules to define when an occupational disease is known to be terminal.

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.