
**Labor & Workplace Standards
Committee**

HB 2758

Brief Description: Recognizing posttraumatic stress disorders of 911 emergency dispatch personnel.

Sponsors: Representatives Corry, Pettigrew, Chandler, Davis, Eslick, McCaslin, Dent, Morgan, Gildon, Lekanoff and Pollet.

Brief Summary of Bill

- Provides that the Department of Labor and Industries rule excluding claims based on stress-related mental conditions does not apply to claims of posttraumatic stress disorders of 911 dispatch personnel.

Hearing Date: 1/27/20

Staff: Trudes Tango (786-7384).

Background:

Under the state's industrial insurance laws, a worker who, in the course of employment, is injured or suffers disability from an occupational disease is entitled to certain benefits. An "occupational disease" is one that arises naturally and proximately out of employment.

Claims based on mental conditions or mental disabilities caused by stress specifically do not fall within the definition of occupational disease. Rules adopted by the Department of Labor and Industries (Department) provide examples of excluded conditions, including conditions or disabilities resulting from:

- relationships with supervisors, coworkers, or the public;
- work load pressures; or
- objective, or subjective, stresses of employment.

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.

Repeated exposure to traumatic events, none of which are a single traumatic event, is not an industrial injury or an occupational disease. Stress resulting from exposure to a single traumatic event, such as actual or threatened death or life-threatening injury, may constitute an industrial injury. The exposure may be from directly experiencing the event, witnessing it, or having extreme exposure to aversive details of the traumatic event.

The rule excluding claims based on mental conditions or mental disabilities caused by stress does not apply to occupational disease claims resulting from posttraumatic stress disorders (PTSD) of certain firefighters and law enforcement officers. For the exemption to apply to firefighters and law enforcement officers hired after June 7, 2018, the firefighter or law enforcement officer must have, as a condition of employment, submitted to a psychological exam that ruled out PTSD from preemployment exposures. If the employer does not provide the exam, the exemption applies.

Posttraumatic stress disorder is not considered an occupational disease if the disorder is directly attributed to disciplinary action, work evaluation, job transfer, layoff, demotion, termination, or similar action taken in good faith by an employer.

Summary of Bill:

The rule excluding claims based on mental conditions or mental disabilities caused by stress does not apply to PTSD claims of 911 emergency dispatch personnel who receive calls for assistance and dispatch emergency services. For 911 emergency dispatchers hired after the effective date of the act, the exemption applies only if the individual submitted to a psychological exam that ruled out the presence of PTSD from preemployment exposures. If the employer does not provide the exam, the exemption applies.

Appropriation: None.

Fiscal Note: Requested on January 21, 2020.

Effective Date: The bill takes effect 90 days after adjournment of the session in which the bill is passed.