

# HOUSE BILL REPORT

## HB 1283

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*As Reported By House Committee on:  
Commerce & Labor*

**Title:** An act relating to maintaining employee benefits.

**Brief Description:** Revising provisions for maintaining employee benefits for temporarily disabled workers.

**Sponsor(s):** Representatives Cole, Heavey, R. King, Franklin, Prentice, Hargrove, Ludwig, Jones, Leonard, Riley, Wineberry, Dellwo and Basich.

**Brief History:**

Reported by House Committee on:  
Commerce & Labor, February 12, 1991, DP.

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**HOUSE COMMITTEE ON  
COMMERCE & LABOR**

**Majority Report:** *Do pass.* Signed by 7 members: Representatives Heavey, Chair; Cole, Vice Chair; Franklin; Jones; R. King; O'Brien; and Prentice.

**Minority Report:** *Do not pass.* Signed by 4 members: Representatives Fuhrman, Ranking Minority Member; Lisk, Assistant Ranking Minority Member; Vance; and Wilson.

**Staff:** Chris Cordes (786-7117).

**Background:** The industrial insurance act allows an employer to provide a light or modified job to an injured worker while the worker is recovering from his or her injury. The light duty job must be approved by the worker's physician. The statute does not specify whether the worker must receive fringe benefits while in the light duty position.

**Summary of Bill:** If an injured worker is returned to work at light or modified duty during the period in which the worker is unable to return to his or her regular job, the employer must continue or resume the health and welfare benefits to which the worker was entitled at the time of injury.

The procedures for requesting light or modified duty are clarified. The request must be from the employer of injury and the work must be available with the employer of injury.

The worker's temporary disability compensation must continue until the worker is released by the attending physician to the job and begins work.

**Fiscal Note:** Not requested.

**Effective Date:** The bill contains an emergency clause and takes effect on July 1, 1991.

**Testimony For:** It is very difficult for injured workers to maintain their health insurance while they are disabled. Once the worker returns to employment with his or her employer, even if the job is light duty, the employer should provide the health benefits formerly available to the injured worker. Without health benefits, there may be a disincentive for workers to return to light duty jobs.

**Testimony Against:** Employers will be reluctant to provide light duty jobs if the employer is required to reinstate health benefits for workers whose light duty position does not qualify for benefits. It is not clear exactly what benefits are mandated by the bill. Any requirements that make a return to work program more complicated or expensive for employers is a disincentive for the program. The law should be encouraging return to work for injured workers.

**Witnesses:** In favor: Cindy Zehnder and Tim Johnson, Teamsters; Jeff Johnson, Washington State Labor Council; and Bill Hochford, Washington State Trial Lawyers Association. Opposed: Clif Finch, Association of Washington Business; and Wayne Williams, Washington Self-Insurers Association.