

CERTIFICATION OF ENROLLMENT

HOUSE BILL 2401

Chapter 77, Laws of 2002

57th Legislature
2002 Regular Session

DEPARTMENT OF NATURAL RESOURCES' EMPLOYEES--ASSAULT VICTIMS--
REIMBURSEMENT

EFFECTIVE DATE: 6/13/02

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

FRANK CHOPP
**Speaker of the House of
Representatives**

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

BRAD OWEN
President of the Senate

Approved March 21, 2002

GARY LOCKE
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.

CYNTHIA ZEHNDER
Chief Clerk

FILED

March 21, 2002 - 2:43 p.m.

**Secretary of State
State of Washington**

HOUSE BILL 2401

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.

Passed the House February 13, 2002.

Passed the Senate March 4, 2002.

Approved by the Governor March 21, 2002.

Filed in Office of Secretary of State March 21, 2002.