

SENATE BILL REPORT

SB 5460

As Reported by Senate Committee On:
Commerce, Labor & Sports, February 15, 2017

Title: An act relating to extending the redetermination timeline regarding appeals to the department of labor and industries.

Brief Description: Extending the redetermination timeline regarding appeals to the department of labor and industries.

Sponsors: Senators Keiser and King; by request of Department of Labor & Industries.

Brief History:

Committee Activity: Commerce, Labor & Sports: 2/15/17, 2/15/17 [DP, DNP, w/oRec].

Brief Summary of Bill

- Increases the Department of Labor and Industries' extension time period from 15 days to an additional 45 days during the appeals process regarding citations for violations of the Washington Industrial Safety and Health Act.

SENATE COMMITTEE ON COMMERCE, LABOR & SPORTS

Majority Report: Do pass.

Signed by Senators Baumgartner, Chair; Keiser, Ranking Minority Member; Conway, Hasegawa, King and Saldaña.

Minority Report: Do not pass.

Signed by Senator Braun, Vice Chair.

Minority Report: That it be referred without recommendation.

Signed by Senator Wilson.

Staff: Susan Jones (786-7404)

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.

Background: Under the Washington Industrial Safety and Health Act (WISHA), the Department of Labor and Industries (L&I) has authority to adopt safety and health standards governing the conditions of employment in all workplaces.

L&I may inspect and investigate workplaces and must issue a citation if an employer has violated safety or health standards. The citation must fix a reasonable time for the abatement of the violation. If a violation is such that a danger exists from which there is a substantial probability that death or serious physical harm could result to any employee, the Director of L&I (Director) may issue an order immediately restraining any such condition, practice, method, process, or means in the workplace.

If a citation has been issued, L&I must notify the employer within a reasonable amount of time of the penalty to be assessed, and inform that the employer has 15 working days to notify L&I that the employer intends to appeal the citation or penalty. If L&I determines that an employer has failed to correct the violation within the time permitted, L&I must notify the employer of the failure to correct, and inform that the employer has 15 days to notify L&I of an intention to appeal. Citations and penalties not appealed within the stated time frames are final.

If any employer notifies the Director that the employer intends to appeal the citation issued or a penalty issued within 15 working days from the issuance of a citation, or any employee or representative of employees files a notice with the Director alleging that the period of time fixed in the citation for the abatement of the violation is unreasonable, the Director may reassume jurisdiction over the entire matter, or any portion. If the Director reassumes jurisdiction, any redetermination must be completed and corrective notices of assessment of penalty, citations, or revised periods of abatement completed within 30 working days. The 30 working day redetermination period may be extended up to 15 additional working days upon agreement of all parties to the appeal.

Appeals are heard by the Board of Industrial Insurance Appeals; however, the Director may reassume jurisdiction for the purposes of a redetermination.

Summary of Bill: The extension time period of up to 15 additional working days is increased to up to 45 additional working days for a redetermination by the Director of penalties, citations, periods of abatement upon agreement of all parties to the appeal.

Appropriation: None.

Fiscal Note: Available.

Creates Committee/Commission/Task Force that includes Legislative members: No.

Effective Date: The bill takes effect on January 1, 2018.

Staff Summary of Public Testimony: PRO: This allows resolution of issues without going into the complaint process. The bill gives additional time to resolve an issue which is helpful.

Persons Testifying: PRO: Senator Karen Keiser, Prime Sponsor; Tammy Fellin, Labor & Industries.

Persons Signed In To Testify But Not Testifying: No one.