

HOUSE BILL REPORT

SB 5875

As Passed House:

March 2, 2022

Title: An act relating to adding employees employed by the department of licensing who are assigned to review, process, approve, and issue driver licenses to the definition of frontline employees under the health emergency labor standards act.

Brief Description: Adding employees employed by the department of licensing who are assigned to review, process, approve, and issue driver licenses to the definition of frontline employees under the health emergency labor standards act.

Sponsors: Senators Nguyen, Lovelett, Lovick, Nobles, Stanford and Wilson, C..

Brief History:

Committee Activity:

Labor & Workplace Standards: 2/16/22, 2/18/22 [DP].

Floor Activity:

Passed House: 3/2/22, 53-41.

Brief Summary of Bill

- Applies the Health Emergency Labor Standards Act occupational disease presumption to certain Department of Licensing employees.

HOUSE COMMITTEE ON LABOR & WORKPLACE STANDARDS

Majority Report: Do pass. Signed by 4 members: Representatives Sells, Chair; Berry, Vice Chair; Bronoske and Ortiz-Self.

Minority Report: Do not pass. Signed by 2 members: Representatives Hoff, Ranking Minority Member; Harris.

Minority Report: Without recommendation. Signed by 1 member: Representative

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not part of the legislation nor does it constitute a statement of legislative intent.

Mosbrucker, Assistant Ranking Minority Member.

Staff: Lily Smith (786-7175).

Background:

Occupational Diseases Under Workers' Compensation.

Workers who are injured in the course of employment or who are affected by an occupational disease are entitled to workers' compensation benefits, which may include medical, temporary time-loss, and other benefits. To prove an occupational disease, the worker must show the disease arose naturally and proximately out of employment. For certain occupations, such as firefighters, there is a presumption that certain medical conditions are occupational diseases.

Health Emergency Labor Standards Act.

Engrossed Substitute Senate Bill 5115 (the Health Emergency Labor Standards Act, or HELSA), enacted in 2021, established a presumption of occupational disease during a public health emergency for frontline employees. The HELSA presumption covers any infectious or contagious diseases transmitted through respiratory droplets or aerosols, or through contact with contaminated surfaces, that are the subject of a public health emergency.

The HELSA presumption may be rebutted by a preponderance of the evidence that:

- exposure to the disease occurred from other employment or nonemployment activities; or
- the employee was working from the employee's home or was on leave for a period of quarantine consistent with recommended guidance from state and federal health officials immediately prior to the employee's injury, occupational disease, or period of incapacity that resulted from exposure to the disease.

Frontline employees covered by the HELSA presumption include first responders, retail, and mass transportation service employees, among others. For certain types of employees, such as retail, restaurant, and public library employees, the employee must have in-person interactions to be covered.

Summary of Bill:

The Department of Licensing (DOL) employees assigned to review, process, approve, and issue driver licenses to the general public that have in-person interactions are considered frontline employees for purposes of the HELSA presumption.

Appropriation: None.

Fiscal Note: Available.

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

Staff Summary of Public Testimony:

(In support) The pandemic has taken a toll on many, but particularly on frontline workers. At the time HELSA was passed, DOL offices were closed, so those workers were not included in the definition of frontline employees. The state is unfortunately still in the pandemic while DOL workers have been called back to the office and are interacting with the public. While some continue to work virtually, many other workers have been in person since the height of the pandemic, putting their and their families' health on the line. There is an opportunity to provide benefits to these DOL employees that were initially left out of the HELSA protections.

(Opposed) None.

Persons Testifying: Senator Joe Nguyen, prime sponsor; and Brandon Hersey, Professional and Technical Employees Local 17.

Persons Signed In To Testify But Not Testifying: None.