

SENATE BILL REPORT

SB 5875

As of January 24, 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, Commerce & Tribal Affairs: 1/24/22.

Brief Summary of Bill

- Adds Department of Licensing employees who are assigned to review, process, approve, and issue driver licenses to the definition of frontline employees for the workers' compensation presumption in the Health Emergency Labor Standards Act.

SENATE COMMITTEE ON LABOR, COMMERCE & TRIBAL AFFAIRS

Staff: Jarrett Sacks (786-7448)

Background: Workers' Compensation. 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. 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.

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.

Health Emergency Labor Standards. In 2021, the Legislature passed ESSB 5115, the Health Emergency Labor Standards Act (HELSEA). Under HELSEA, for frontline employees, there is a presumption that any infectious or contagious diseases transmitted through respiratory droplets or aerosols, or through contact with contaminated surfaces, and are the subject of a public health emergency are occupational diseases during a public health emergency for the purposes of workers' compensation.

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

- exposure to the disease occurred from other employment or non-employment 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.

HELSEA includes a statutory list of the types of employees included in the definition of frontline employee. For certain types of employees, such as retail, restaurant, and public library employees, there is a requirement that the employee must have in-person interaction with the general public or other employees.

Summary of Bill: Department of Licensing employees who are assigned to review, process, approve, and issue driver licenses to the general public that have in-person interaction with the general public as part of their job duties, or have in-person interaction with other employees, are added to the list of frontline employees eligible for the workers' compensation presumption under HELSEA.

Appropriation: None.

Fiscal Note: Available.

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

Effective Date: Ninety days after adjournment of session in which bill is passed.

Staff Summary of Public Testimony: PRO: We are still in the middle of the pandemic. Department of Licensing (DOL) workers were not included in the original bill but are front-facing workers who have to meet face-to-face with the general public. There are not telework options and many of them have to exhaust their leave if they get sick. Licensing staff are similar to other types of workers that were included in HELSEA and there is no reason they should not be included as well. Licensing services representatives' duties require them to sit in vehicles with the general public and they do not know the health status of the people in the car with them. Additional federal benefits expired early on, leaving DOL employees who are not covered by HELSEA unprotected.

Persons Testifying: PRO: Senator Joe Nguyen, Prime Sponsor; Nathan Fox, Department of Licensing; Nicole Chambers; Alexis Young, PROTEC17; Pablo Nichipor, Department Of Licensing Front Line Customer Service Representative; Chanel Johnson, DOL.

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