

FINAL BILL REPORT

SHB 1414

C 179 L 95

Synopsis as Enacted

Brief Description: Defining "acting in the course of employment."

Sponsors: House Committee on Commerce & Labor (originally sponsored by Representatives Conway, Lisk, Chandler, Fuhrman, Goldsmith, Cole and Romero).

House Committee on Commerce & Labor
Senate Committee on Labor, Commerce & Trade

Background: To be entitled to industrial insurance benefits, a worker must be injured while "acting in the course of employment." A worker is acting in the course of employment if he or she is acting at the employer's direction or in furtherance of the employer's business.

Generally, a worker is not considered to be in the course of employment while on a recreational excursion which is not incident to employment or in furtherance of the employer's interests. The Board of Industrial Insurance Appeals has held that workers playing on company softball or football teams are not in the course of employment if: (1) the employer provided no financial support to the team, other than league entry fees, (2) the employer exerted no control over the players, (3) players were not paid for their time, (4) games were played off company premises and during nonwork hours, and (5) the company name was not used on team uniforms and no business was solicited through the team's participation in the league.

Summary of Bill: For the purposes of industrial insurance coverage, an employee is not "acting in the course of employment" while participating in social activities, recreational or athletic activities, events, or competitions, or parties or picnics, whether or not the employer pays some or all of the costs of the activities or events, unless: (1) the participation is during work hours, not including paid leave; (2) the employee is paid monetary compensation by the employer to participate; or (3) the employee is ordered or directed by the employer to participate or the employee reasonably believes that he or she was ordered or directed to participate.

Votes on Final Passage:

House	98	0
Senate	40	0

Effective: July 23, 1995