

SENATE BILL REPORT

SB 5669

As Reported By Senate Committee On:
Labor, Commerce & Trade, February 22, 1995

Title: An act relating to the definition of "acting in the course of employment" for industrial insurance.

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

Sponsors: Senators Pelz, Newhouse, Hargrove, Prince, Deccio, A. Anderson, Prentice, Palmer, Bauer, C. Anderson and Winsley.

Brief History:

Committee Activity: Labor, Commerce & Trade: 2/14/95, 2/22/95 [DPS].

SENATE COMMITTEE ON LABOR, COMMERCE & TRADE

Majority Report: That Substitute Senate Bill No. 5669 be substituted therefor, and the substitute bill do pass.

Signed by Senators Pelz, Chair; Deccio, Franklin, Fraser, Hale, Newhouse, Palmer and Wojahn.

Staff: Jack Brummel (786-7428)

Background: When an employee is acting in the course of employment, any accident or injury is covered by workers' compensation. Current law leaves open the possibility that an injury during recreational activities sponsored by an employer may be compensable.

Summary of Substitute Bill: The definition of "acting in the course of employment" is modified to exclude social, recreational, or athletic activities unless the participation is during working hours, the employee is compensated for participation, or the employee is ordered or directed by the employer to participate. Physical training during working hours by fire fighters or law enforcement officers does constitute acting in the course of employment.

Substitute Bill Compared to Original Bill: In the substitute bill, activities that are during working hours or for which an employee is compensated are "acting in the course of employment." The substitute designates physical training during working hours by fire fighters and law enforcement officers as "acting in the course of employment."

Appropriation: None.

Fiscal Note: Requested on 2-10-95

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

Testimony For: Employer-sponsored social or athletic events may expose the employer to worker injury claims. The bill allows employers to encourage such activities without worrying about workers' compensation liabilities.

Testimony Against: The bill needs changes to clarify intent.

Testified: Melanie Stewart, WA Self-Insurers Assn. (pro); Jeff Johnson, WA State Labor Council (pro); Jeff Johnson, WA State Labor Council (con).