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SENATE BILL 5671

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State of Washington

54th Legislature

1995 Regular Session

By Senators Newhouse, A. Anderson and Deccio

Read first time 01/31/95. Referred to Committee on Labor, Commerce & Trade.

1 AN ACT Relating to industrial insurance compensation for school  
2 employees; and amending RCW 51.08.178.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

4 **Sec. 1.** RCW 51.08.178 and 1988 c 161 s 12 are each amended to read  
5 as follows:

6 (1) For the purposes of this title, the monthly wages the worker  
7 was receiving from all employment at the time of injury shall be the  
8 basis upon which compensation is computed unless otherwise provided  
9 specifically in the statute concerned. In cases where the worker's  
10 wages are not fixed by the month, they shall be determined by  
11 multiplying the daily wage the worker was receiving at the time of the  
12 injury:

13 (a) By five, if the worker was normally employed one day a week;

14 (b) By nine, if the worker was normally employed two days a week;

15 (c) By thirteen, if the worker was normally employed three days a  
16 week;

17 (d) By eighteen, if the worker was normally employed four days a  
18 week;

1 (e) By twenty-two, if the worker was normally employed five days a  
2 week;

3 (f) By twenty-six, if the worker was normally employed six days a  
4 week;

5 (g) By thirty, if the worker was normally employed seven days a  
6 week.

7 The term "wages" shall include the reasonable value of board,  
8 housing, fuel, or other consideration of like nature received from the  
9 employer as part of the contract of hire, but shall not include  
10 overtime pay except in cases under subsection (2) of this section.  
11 However, tips shall also be considered wages only to the extent such  
12 tips are reported to the employer for federal income tax purposes. The  
13 daily wage shall be the hourly wage multiplied by the number of hours  
14 the worker is normally employed. The number of hours the worker is  
15 normally employed shall be determined by the department in a fair and  
16 reasonable manner, which may include averaging the number of hours  
17 worked per day.

18 (2) In cases where (a) the worker's employment is exclusively  
19 seasonal in nature (~~(or)~~), (b) the worker's current employment or his  
20 or her relation to his or her employment is essentially part-time or  
21 intermittent, or (c) the worker is a school employee, the monthly wage  
22 shall be determined by dividing by twelve the total wages earned,  
23 including overtime, from all employment in any twelve successive  
24 calendar months preceding the injury which fairly represent the  
25 claimant's employment pattern.

26 (3) If, within the twelve months immediately preceding the injury,  
27 the worker has received from the employer at the time of injury a bonus  
28 as part of the contract of hire, the average monthly value of such  
29 bonus shall be included in determining the worker's monthly wages.

30 (4) In cases where a wage has not been fixed or cannot be  
31 reasonably and fairly determined, the monthly wage shall be computed on  
32 the basis of the usual wage paid other employees engaged in like or  
33 similar occupations where the wages are fixed.

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