

CERTIFICATION OF ENROLLMENT

SUBSTITUTE HOUSE BILL 1244

Chapter 297, Laws of 2007

60th Legislature
2007 Regular Session

INDUSTRIAL INSURANCE--WAGES

EFFECTIVE DATE: 07/22/07

Passed by the House April 14, 2007
Yeas 63 Nays 31

FRANK CHOPP

Speaker of the House of Representatives

Passed by the Senate April 4, 2007
Yeas 47 Nays 0

BRAD OWEN

President of the Senate

Approved May 2, 2007, 3:20 p.m.

CHRISTINE GREGOIRE

Governor of the State of Washington

CERTIFICATE

I, Richard Nafziger, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **SUBSTITUTE HOUSE BILL 1244** as passed by the House of Representatives and the Senate on the dates hereon set forth.

RICHARD NAFZIGER

Chief Clerk

FILED

May 3, 2007

**Secretary of State
State of Washington**

SUBSTITUTE HOUSE BILL 1244

AS AMENDED BY THE SENATE

Passed Legislature - 2007 Regular Session

State of Washington 60th Legislature 2007 Regular Session

By House Committee on Commerce & Labor (originally sponsored by Representatives Conway, Hankins, Clibborn, Wood, Hunt, Haler, Morrell, Kirby, Hasegawa, Moeller, Sells, Strow, McCoy, O'Brien, Ericks, Simpson, Green, Campbell, Williams, Kenney and Ormsby)

READ FIRST TIME 02/20/07.

1 AN ACT Relating to industrial insurance, but only with respect to
2 defining wages to include the cost of health insurance; amending RCW
3 51.08.178; and creating a new section.

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

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

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

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

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

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

18 (d) By eighteen, if the worker was normally employed four days a
19 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. As
11 consideration of like nature to board, housing, and fuel, wages shall
12 also include the employer's payment or contributions, or appropriate
13 portions thereof, for health care benefits unless the employer
14 continues ongoing and current payment or contributions for these
15 benefits at the same level as provided at the time of injury. However,
16 tips shall also be considered wages only to the extent such tips are
17 reported to the employer for federal income tax purposes. The daily
18 wage shall be the hourly wage multiplied by the number of hours the
19 worker is normally employed. The number of hours the worker is
20 normally employed shall be determined by the department in a fair and
21 reasonable manner, which may include averaging the number of hours
22 worked per day.

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

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

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

1 NEW SECTION. **Sec. 2.** Section 1 of this act applies to all wage
2 determinations issued on or after the effective date of this act.

 Passed by the House April 14, 2007.

 Passed by the Senate April 4, 2007.

 Approved by the Governor May 2, 2007.

 Filed in Office of Secretary of State May 3, 2007.