
HOUSE BILL 2507

State of Washington

64th Legislature

2016 Regular Session

By Representatives Klippert, Blake, Walsh, Tharinger, Halder, Ormsby,
Van De Wege, and Nealey

1 AN ACT Relating to clarifying reimbursement for employees who are
2 victims of offender assaults; and amending RCW 72.09.240.

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

4 **Sec. 1.** RCW 72.09.240 and 2002 c 77 s 2 are each amended to read
5 as follows:

6 (1) In recognition of prison overcrowding and the hazardous
7 nature of employment in state correctional institutions and offices,
8 the legislature hereby provides a supplementary program to reimburse
9 employees of the department of corrections and the department of
10 natural resources for some of their costs attributable to their being
11 the victims of offender assaults. This program shall be limited to
12 the reimbursement provided in this section.

13 (2) An employee is only entitled to receive the reimbursement
14 provided in this section if the secretary of corrections or the
15 commissioner of public lands, or the secretary's or commissioner's
16 designee, finds that each of the following has occurred:

17 (a) An offender has assaulted the employee while the employee is
18 performing the employee's official duties and as a result thereof the
19 employee has sustained injuries which have required the employee to
20 miss days of work; and

1 (b) The assault cannot be attributable to any extent to the
2 employee's negligence, misconduct, or failure to comply with any
3 rules or conditions of employment.

4 (3) The reimbursement authorized under this section shall be as
5 follows:

6 (a) The employee's accumulated sick leave days shall not be
7 reduced for the workdays missed;

8 (b) For each workday missed for which the employee is not
9 eligible to receive compensation under chapter 51.32 RCW, the
10 employee shall receive full pay; and

11 (c) In respect to workdays missed for which the employee will
12 receive or has received compensation under chapter 51.32 RCW, the
13 employee shall be reimbursed in an amount which, when added to that
14 compensation, will result in the employee receiving full pay for the
15 workdays missed.

16 (4) Reimbursement under this section may not (~~last~~) continue
17 longer than (~~three hundred sixty five consecutive days after~~) the
18 date of (~~the injury~~) termination of time loss benefits by the
19 department of labor and industries.

20 (5) The employee shall not be entitled to the reimbursement
21 provided in subsection (3) of this section for any workday for which
22 the secretary or the commissioner of public lands, or the secretary's
23 or commissioner's designee, finds that the employee has not
24 diligently pursued his or her compensation remedies under chapter
25 51.32 RCW.

26 (6) The reimbursement shall only be made for absences which the
27 secretary or the commissioner of public lands, or the secretary's or
28 commissioner's designee, believes are justified.

29 (7) While the employee is receiving reimbursement under this
30 section, he or she shall continue to be classified as a state
31 employee and the reimbursement amount shall be considered as salary
32 or wages.

33 (8) All reimbursement payments required to be made to employees
34 under this section shall be made by the department of corrections or
35 the department of natural resources. The payments shall be considered
36 as a salary or wage expense and shall be paid by the department of
37 corrections or the department of natural resources in the same manner
38 and from the same appropriations as other salary and wage expenses of
39 the department of corrections or the department of natural resources.

1 (9) Should the legislature revoke the reimbursement authorized
2 under this section or repeal this section, no affected employee is
3 entitled thereafter to receive the reimbursement as a matter of
4 contractual right.

5 (10) For the purposes of this section, "offender" means: (a)
6 Offender as defined in RCW 9.94A.030; and (b) any other person in the
7 custody of or subject to the jurisdiction of the department of
8 corrections.

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