

## **LEGISLATURE KILLS WORKERS' COMP REFORM - BUSINESS GROUPS RESPOND WITH INITIATIVE**

Last week, legislative committees in the House and Senate announced that they would not grant a hearing to a proposal by businesses groups for changes to our state's broken workers' compensation system.

The principal business proposal is House Bill 2950 (Sponsored by Jeff Morris, D- Mt. Vernon) and Senate Bill 6338 (Sponsored by Janea Holmquist, R- Moses Lake). This bill would allow workers to voluntarily close claims in exchange for payment. It would also permit managed care networks that specialize in treating workplace injuries. Both of these ideas are common in other state workers' compensation systems, and have proven effective at containing costs.

The decision by the legislature to snub employers means that the issue will almost certainly be decided at the ballot this November. Business groups led by the Building Industry Association of Washington will file an initiative to reform the workers' compensation system to include a private option.

The initiative - and the option to purchase workers' compensation insurance in the private market - will be discussed at the Farm Bureau Labor Conference on February 25 in Wenatchee (see box to right).

"The last major overhaul of our workers' comp system occurred more than two decades ago, and virtually every person associated with the system - from the L&I director down to a worker filing a claim - knows that the system is badly in need of reform," said Scott Dilley, a public policy analyst for the Washington Farm Bureau.

Skyrocketing costs are another impetus for reform. This year, workers' compensation premiums increased by an average of 7.6 percent, and actuarial forecasts project a need for a double-digit increase next year. Multi-state employers have frequently testified that Washington is their worst state for workers' compensation. Employers and workers alike complain that the system is overly bureaucratic.

"Given the importance of this issue to the business community and even some support from the governor's office, not even granting a committee hearing to these bills is inexcusable," said Dilley, who cites labor union intransigence as the principal reason for legislative inaction.

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## **ATTEND THE FARM BUREAU LABOR CONFERENCE**

for a briefing on Workers' Comp Privatization Initiative. Tom Kwieciak from the Building Industry Association will outline the initiative, take questions, and explain how business owners and managers can get involved in the effort.

The Labor Conference features over a dozen presentations vital to business managers. For more information and to register, please visit [www.wsfb.com](http://www.wsfb.com).

## **FEBRUARY RETRO WORKSHOPS:**

WA Farm Bureau Retro/Safety members are required to attend at least one safety workshop per year. Here are the February dates: **February 9** - Lynden (Lynden Fire Hall Station 71) 301 19th St.; **February 10** - Mount Vernon (WSU Extension) 16650 State Route 536; **February 16** - Puyallup (WSU Extension - Allmendinger Bldg.) 7612 Pioneer Way E.

There is no charge. Simply show up. For a full agenda and additional information see the "For Employers" tab at [www.wsfb.com](http://www.wsfb.com) or call (800) 331-3276.

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The vast majority of employers - not counting large companies who are able to self-insure - are forced to purchase workers' compensation insurance from a state monopoly, and this will become a major issue of the initiative campaign. Washington is one of only four states in the nation that do not permit employers private workers' compensation insurance.

### **SAFETY TALK MEETING SUBJECT: PESTICIDE LABELS**

Even if you don't apply or handle pesticides, you can obtain a lot of information about the pesticide by learning how to read the label. Before applying pesticides or using any other hazardous product, know what the label says! The chemical formulation, signal word, precautionary statements, personal protective equipment statements, application method, and the projected routes of exposure are indicated on the label.

If the Label Contains:

<u>CATEGORY</u>	<u>SIGNAL WORD</u>
High Toxicity	DANGER
Moderately Toxic	WARNING
Low Toxicity	CAUTION
Relatively Non-Toxic	NONE

**CHEMICAL NAME:** The name given to the pesticide by chemists to describe the chemical structure.

**COMMON NAME:** For clarity, most pesticides have an assigned official name. Common names and brand names are not the same and not all labels will list a common name. For example, Diantzinon is a common name.

**FORMULATION:** Pesticide labels always list the formulation type, such as emulsifiable concentrate, wettable powder, or soluble powder.

**INGREDIENTS:** The label lists the percentage of active and inert ingredients by weight. Inert ingredients are those components that do not have pesticidal action.

**CONTENTS:** Labels list the net contents, by weight or liquid volume, contained within the package.

Apply pesticides according to label directions and know what the warnings are and what they mean. Finally, assure proper pesticide application record keeping and posting protocols are maintained.

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### **TERMINATION UPHELD DESPITE FMLA LEAVE**

Julie Long worked for her employer for 20 years, most of that time with favorable performance reviews. However in June 2005, she was absent 25 percent of her scheduled days, and in July, 40 percent. In addition, she was late completing work.

In September she asked for, and was granted, intermittent FMLA leave, taking about 15 days. She also took 14 additional days that were not covered under FMLA. During this time, her performance remained subpar. A manager who didn't know about her FMLA leave made the decision to terminate her.

Long filed suit, claiming retaliation for taking FMLA. The court sided with the employer, stating that Long's performance deficiencies were documented before she ever took leave, the termination decision-maker didn't know of her FMLA leave, and she had numerous absences that were unprotected, allowing her no greater right to continued employment.

Bottom line: Employees who take FMLA leave are not protected from termination if poor performance and unprotected absences would otherwise justify termination.

This case was heard in the Seventh Circuit which includes the states of Illinois, Indiana, and Wisconsin.