

WORKERS' COMP - FIX THE SYSTEM

The state Department of Labor and Industries notified the public last month that rates for workers' compensation would increase next year. L&I is seeking a 7.6 percent increase in premiums, or about four cents per hour worked. In agriculture, the overall proposed increase is 6.0 percent.

The increase is meant to raise \$117 million. According to L&I actuaries, a much larger increase – on the order of 15 - 20 percent – was needed, but was not proposed. Instead, L&I will likely ask for a single digit increase for the next several years.

The department cited factors for the increase that were largely due to the recession: reduced investment returns, fewer premiums paid because fewer hours were worked, and fewer jobs for injured workers to return to. L&I also cited inflation in health-care costs and wages.

According to Farm Bureau, these are not principal factors driving costs. Said Farm Bureau Employer Services Director Dan Fazio, "Although it is convenient to blame the recession, our system is failing because a government insurance system cannot manage claims, and our Legislature refuses to make the changes that are necessary to the program"

Fazio cited these examples of cost drivers:

- The average injured worker in Washington misses 266 days of work, three times the average. By comparison, that figure in Oregon is just 70 days.
- Since 1990, claims have dropped 55 percent – workplaces are safer - but workers' comp tax rates are more than 50 percent higher than they were 10 years ago. Fewer claims but dramatically higher costs.
- L&I administration costs rose \$39 million during the past year – and each year L&I uses more than \$50 million of workers' comp premiums for programs that are unrelated to workplace injuries.
- Washington is the only state in the nation where workers do not report injuries to the employer, and one of only a handful of states that does not allow workers to voluntarily close claims in exchange for lifetime medical treatment and a lump sum payment.

Among agriculture employers, orchards and diversified field crops will likely see a 6 percent increase, while vegetable farms – machine harvest classification will likely rise 10 percent. A list of the proposed changes by risk classification can be found at www.rates.lni.wa.gov.

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ESSENTIAL TRAINING FREE WEBINAR:

Healthcare Reform - What it means to you.

You are invited to join us for a free webinar hosted by Scott Dahlman, policy analyst for the Washington Farm Bureau. This webinar will include: Brief history of healthcare reform in the United States; An update on the healthcare reform bills currently before Congress; How reform will affect you; and What you can do about it now!

Don't miss this opportunity to learn about this important issue. There will be plenty of time allotted for questions as well. The webinar format allows you to participate in a seminar from anywhere you have access to the internet and a telephone. You may type questions at any time during the webcast. It is as easy as: ONE: Register at <http://www.wsfb.com/HealthcareWebinar>; TWO: Receive an email prior to the webinar to conduct a quick test to check your computer's capabilities; and THREE: Receive email link to join webinar.

Editor

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Bob Brody, an organic apple orchardist in Brewster, summed up the mood among employers, saying “I am adamantly opposed to any increase without a plan to fix the system.”

L&I has scheduled six public hearings on the proposed rate increases. We encourage all ag employers to attend and testify on what these rate increases will mean for your businesses.

Tukwila: Oct. 27, 1 p.m., L&I Office, 12806 Gateway Dr.

Tumwater: Oct. 28, 10 a.m., L&I Headquarters, 7273 Linderson Way S.W.

Vancouver: Oct. 28, 10 a.m., Red Lion Inn at the Quay, 100 Columbia St.

Bellingham: Oct. 29, 1 p.m., Bellingham Quality Inn, 100 E. Kellogg Road

Spokane: Oct. 30, 9 a.m., Spokane Airport Ramada, 8909 W. Airport Dr.

Richland: Oct. 30, 2 p.m., Richland Hampton Inn, 486 Bradley Blvd.

Written comments will be accepted through Nov. 7 and should be e-mailed to Ronald Moore, Employer Services Program Manager, at MOOA235@LNI.wa.gov.

The final rates will be adopted in late November.

MANDATORY FEDERAL GINA LAW

On November 21, 2009, the Genetic Information Nondiscrimination Act (GINA) of 2008 which was signed into law on May 21, 2008, will go into effect. This Act is intended to prevent employers from discriminating against individuals based on genetic tests and information.

The Equal Employment Opportunity Commission (EEOC) poster may change to include information about the Genetic Information Nondiscrimination Act, as well as the Family Medical Leave Act (FMLA) poster. All covered employers are required to post the most recent EEO notice along with the five other required Federal Posters. Who it affects: all private employers with 15 or more employees; certain public sector employers; employment agencies and labor organizations. Please check the Department of Labor's website at: <http://www.dol.gov/osbp/sbrefa/poster/matrix.htm> for a listing of the required posters. **Note from the Editor: As of Oct. 15 revised posters have not been posted to DOL website. We will alert you if and when they are revised.**

ESSENTIAL TRAINING SEMINAR Excellence in Employee Relations

Workers are your most productive asset – without them your organization can't prosper.

Are your workers being treated fairly? Are supervisors using management techniques that will harm your business? How can you take your company's labor relations temperature? Presenter Tim Bernasek, partner, Dunn Carney Allen, Higgins, and Tongue, LLP and former general counsel at the Oregon Farm Bureau expertise is agricultural labor and employment. The Administration has made increasing union membership a priority, and there has been an increase in organizing activity at farms and food processing plants. Tim will provide you with a clear understanding of the federal and state laws that impact your ability to communicate to workers.

Tuesday, Oct. 20:

SUNNYSIDE - 9:00 am to 11:00 am, Snipes Restaurant

PASCO - 1:30 pm to 3:30 pm, Red Lion Hotel

Wednesday, Oct. 21:

MOSES LAKE - 9:00 am to 11:00 am, Best Western Inn

TIME IS RUNNING OUT! GET MORE INFORMATION AND REGISTER AT:

http://www.wsfb.com/Seminar_Employee_Relations.