



# EXPEDITED RULE MAKING

**CR-105 (June 2004)**  
(Implements RCW 34.05.353)  
**EXPEDITED RULE MAKING ONLY**

**Agency:** Department of Labor and Industries

**Title of rule and other identifying information:** Chapter 296-14 WAC, Industrial Insurance Wages - Calculation of a Worker's Wage

Amended: WAC 296-14-522 What does the term "wages" mean?

Amended: WAC 296-14-524 How do I determine whether an employer provided benefit qualifies as "consideration of like nature" to board, housing and fuel?

Amended: WAC 296-14-526 Is the value of "consideration of like nature" always included in the worker's wages used in determining the rate of time-loss or pension compensation?

New: WAC 296-14-527 Is the value of "health care benefits" always included in the worker's wages used in determining the rate of time-loss or pension compensation?

### NOTICE

**THIS RULE IS BEING PROPOSED UNDER AN EXPEDITED RULE-MAKING PROCESS THAT WILL ELIMINATE THE NEED FOR THE AGENCY TO HOLD PUBLIC HEARINGS, PREPARE A SMALL BUSINESS ECONOMIC IMPACT STATEMENT, OR PROVIDE RESPONSES TO THE CRITERIA FOR A SIGNIFICANT LEGISLATIVE RULE. IF YOU OBJECT TO THIS USE OF THE EXPEDITED RULE-MAKING PROCESS, YOU MUST EXPRESS YOUR OBJECTIONS IN WRITING AND THEY MUST BE SENT TO**

Name: Rules Coordinator

Agency: Department of Labor and Industries

Address: PO Box 44001

Olympia, WA 98504-4001

**AND RECEIVED BY** November 19, 2007

**Purpose of the proposal and its anticipated effects, including any changes in existing rules:**

The purpose of the proposed rules is to:

- ◆ Ensure consistent, fair, and reasonable calculation of a worker's or crime victim's monthly wage;
- ◆ Provide the methods and factors used in calculating a workers wage at the time of injury or date of manifestation of an occupational disease;
- ◆ Clarify when and how the value of health care benefits and other "consideration of like nature" is included in the worker's monthly wage; and
- ◆ Clarifies the date the "contribution ends" is based on how the contribution is made:
  - In banked-hours situations, the employer contributes for each hour worked: when the employer stops contributing the health care benefit is immediately added.
  - If the employer contributes by the month, the HCB value is not added until the next month when the contribution ends.

**Reasons supporting proposal:**

The proposed rules will assist in the implementation of Chapter 297, Laws of 2007 (SHB 1244).

**Statutory authority for adoption:** RCW 51.04.020 and Chapter 297, Laws of 2007 (SHB 1244).

**Statute being implemented:** RCW 51.08.178

**Is rule necessary because of a:**

- |                         |                              |  |
|-------------------------|------------------------------|--|
| Federal Law?            | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| Federal Court Decision? | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| State Court Decision?   | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |

If yes. CITATION:

**DATE**

September 18, 2007

**NAME (TYPE OR PRINT)**

Judy Schurke

**SIGNATURE**

**TITLE**

Director

**CODE REVISER USE ONLY**

**OFFICE OF THE CODE REVISER  
STATE OF WASHINGTON  
FILED**

**DATE: September 18, 2007**

**TIME: 9:40 AM**

**WSR 07-19-084**

**Name of proponent:** Department of Labor and Industries

- Private
- Public
- Governmental

**Name of agency personnel responsible for:**

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**Agency comments or recommendations, if any, as to statutory language, implementation, enforcement, and fiscal matters:**

None