



PROPOSED RULE MAKING

CR-102 (June 2004)

(Implements RCW 34.05.320)

Do NOT use for expedited rule making

Agency: Department of Labor & Industries

- Preproposal Statement of Inquiry was filed as WSR 09-18-102; or
- Expedited Rule Making--Proposed notice was filed as WSR; or
- Proposal is exempt under RCW 34.05.310(4).

- Original Notice
- Supplemental Notice to WSR
- Continuance of WSR

Title of rule and other identifying information:

Amend Chapter 296-17-31002 WAC General rule definitions
 Amend Chapter 296-17-31017 WAC Multiple classifications
 New section Chapter 296-17-310171 WAC How to report hours for employees supporting multiple business operations
 Repeal Chapter 296-17-31020 WAC Employee supporting multiple business operations

Hearing location(s):

Tumwater L&I Building
 7273 Linderson Way SW
 Tumwater WA 98501

Date: January 26, 2010 Time: 9:00 AM

Date of intended adoption: May 4, 2010
 (Note: This is **NOT** the **effective** date)

Submit written comments to:

Name: Ronald Moore
 Address: PO Box 44140
 Olympia WA 98501
 e-mail MOOA235@lni.wa.gov
 fax (360) 902-4988 by 5 pm, January 26, 2010

Assistance for persons with disabilities: Contact

Office of Information & Assistance by January 23, 2010
 TTY (306)902-5797

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

Currently our reporting requirements for workers with duties supporting more than one basic classification are addressed in three separate sections of Chapter 296-17 WAC. These are 296-17-31002 General rule definitions, 296-17-31017 Multiple classifications, and 296-17-31020 Employee supporting multiple business operations. Scenarios have been presented that are not clearly addressed by any of our current regulations and/or they could be applied to more than one of these regulations. The new rule clarifies our regulations by addressing all situations where a worker is supporting multiple basic classifications in a single new section of WAC, 296-17-31017 How to report hours for employees supporting multiple business operations.

Reasons supporting proposal: The new rule will clarify for employers their reporting requirements when an employee performs work for more than one classification. By consolidating these reporting requirements into one rule, we will reduce the potential for overlap or gaps between the previously separate sections.

Statutory authority for adoption: 51.04.020 and 51.16.035

Statute being implemented: 51.04.020 and 51.16.035

Is rule necessary because of a:

- Federal Law? Yes No
 - Federal Court Decision? Yes No
 - State Court Decision? Yes No
- If yes, CITATION:

CODE REVISER USE ONLY

OFFICE OF THE CODE REVISER
 STATE OF WASHINGTON
 FILED

DATE: **December 01, 2009**

TIME: **4:10 PM**

WSR 09-24-099

DATE

December 1, 2009

NAME (type or print)

Judy Schurke

SIGNATURE

TITLE

Director

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

Name of proponent: Labor and Industries

- Private
- Public
- Governmental

Name of agency personnel responsible for:

Name	Office Location	Phone
Drafting..... Richard Bredeson	Tumwater, Washington	(360) 902-4985
Implementation.... Ronald C Moore	Tumwater, Washington	(360) 902-4748
Enforcement..... Robert Malooly	Tumwater, Washington	(360) 902-4209

Has a small business economic impact statement been prepared under chapter 19.85 RCW?

Yes. Attach copy of small business economic impact statement.

A copy of the statement may be obtained by contacting:

Name:

Address:

phone () _____

fax () _____

e-mail _____

No. Explain why no statement was prepared.

In this case the agency is exempt from conducting a SBEIS since the proposed rules set or adjust fees or rates to legislative standards described in RCW 34.05.310(4)(f).

Is a cost-benefit analysis required under RCW 34.05.328?

Yes A preliminary cost-benefit analysis may be obtained by contacting:

Name:

Address:

phone () _____

fax () _____

e-mail _____

No: Please explain: Since the proposed rules are consistent with recognized principals of workers' compensation insurance and adjust fees pursuant to legislative standards they are exempted by RCW 34.05.328(5)(b)(vi) from the requirement for a cost-benefit analysis.