



WORKER SAFETY AWARENESS PROGRAM

MODULE 8 SUMMARY: WASHINGTON STATE WORKERS' COMPENSATION, UNEMPLOYMENT INSURANCE, & LABOR LAWS

Module Eight, Washington State Workers' compensation, unemployment insurance, & labor laws, provides basic information about Washington State requirements related to state labor laws and regulations. It covers basic information about the state's mandatory workers' compensation system that provides health insurance for workers injured at work or who contract an illness as a result of work activities. Topics covered include employer responsibilities and worker benefits as well as information about programs that help injured workers return to work. Module 8 also provides information about the state's Unemployment Insurance system that assists workers who have been laid off through no fault of their own. In addition, Module 8 covers several programs and regulations that govern labor laws such as minimum wage, meal & rest breaks, paid sick leave, and the Family and Medical Leave program.

Grant Project Goal:

The Adult Family Home Council (AFHC) believes that introducing a first-of-its-kind, industry specific, safety awareness training program will significantly reduce worker injuries in adult family homes.

Background:

The AFHC received a grant from the Safety and Health Investments Projects (SHIP) Program, Washington State Department of Labor & Industries for \$175,000 to develop training and education materials for a worker safety awareness program specific to the adult family home (AFH) industry. Claims data from the Washington State workers' compensation system shows that workers are getting hurt in the AFH industry. There were over 12,000 reported injury claims, including over 100 serious injuries, from 2012 through 2016 in the risk class that includes adult family home businesses. In order to help prevent future injuries, an AFH Worker Safety Awareness Review Committee has been established to oversee development, upkeep, and implementation of worker safety awareness training and education materials specific to the AFH industry.

Training Topics Included in this Module:

1. The Washington State Workers' Compensation system
 - a. The required Notice to Employees If a Job Injury Occurs poster
 - b. Workers' compensation insurance basics
 - c. Workers' compensation coverage & payment requirements
 - d. What to do if you get hurt at work, particularly as it relates to workers' compensation
 - i. Get medical help
 - ii. Tell your employer
 - e. Employer information for workers' compensation claims
 - f. Helping injured workers return to work
 - i. Light duty work
 - ii. Loss of earning power benefits that help pay for return to work part time or at a lower pay rate
 - iii. Preferred worker program that gives incentives for employers to hire injured workers
 - iv. Claim-free discounts that save employers money if they have a safe workplace
 - v. Stay at Work program that reimburses employers for certain costs if they keep an injured worker at work

- vi. The continuous employment incentive that pays employers for hiring participants in the preferred worker program
2. The Washington State Unemployment Insurance program
 - a. The required You May Be Eligible for Unemployment Benefits If You Lose Your Job poster
 - b. Unemployment insurance basics
 - c. Unemployment insurance coverage requirements
 - d. Paying for unemployment insurance
 - e. What to do if you get laid off from work
3. Washington State labor laws
 - a. Paid Family and Medical Leave
 - i. Required poster
 - ii. Funding responsibilities
 - iii. Reporting & payment requirements
 - b. Domestic violence leave
 - c. Employment standards & worker rights
 - i. The required Your Rights as a Worker poster
 - ii. Paid sick leave requirements
 - iii. The Family Care Act that allows employees to take time off to care for a family member
 - iv. Military spousal leave requirements
 - v. Pregnancy & parental leave laws
 - vi. Minimum wage requirements
 - vii. Rest breaks, restroom breaks, & meal period requirements
 - viii. Overtime requirements
 - ix. Filing a worker rights complaint

Training Module Objectives:

- Understand basic workers' compensation benefits & requirements
- Learn the importance of helping injured workers with getting back to work & the programs available to assist with return to work
- Understand the basics of how unemployment insurance works
- Learn about Washington leave laws including paid sick leave, paid family and medical leave, and the family care act
- Understand labor laws related to meal & rest breaks, overtime, & the state minimum wage

Target Audience:

The target audience includes the owners and operators of the 2,900 adult family homes in Washington and their approximately 14,000 employees. By definition, adult family homes are small businesses located in residential homes, each with unique challenges. The AFHC is committed to supporting and helping adult family homes succeed.



Funding and support for this project has been provided by the State of Washington, Department of Labor & Industries, Safety & Health Investment Projects.

The Adult Family Home Council is solely responsible for the content of and views expressed in this report and related materials unless they have been formally endorsed by the Washington State Department of Labor & Industries.

These documents do not replace any standard or regulation and create no new legal obligations. They are advisory in nature, informational in content, and are intended to assist employers in providing a safe and healthful workplace.

WORKER SAFETY AWARENESS PROGRAM

MODULE 8 CHECKLIST: WASHINGTON STATE WORKERS' COMPENSATION, UNEMPLOYMENT INSURANCE, & LABOR LAWS

- Washington State workers' compensation insurance
 - Employers must post the [Notice to Employees If a Job Injury Occurs](#) poster
 - Workers' compensation insurance (also known as industrial insurance) provides medical & wage replacement benefits to workers injured at work
 - Adult family homes are required to provide workers' compensation insurance for all of their workers through the Washington State Department of Labor & Industries (L&I)
 - Adult family homes must purchase coverage from L&I
- What to do if you get hurt at work
 - Get medical help
 - File a workers' compensation claim within 1 year of an injury or 2 years from a doctor's diagnosis of a work-related illness
 - Tell your employer right away
 - Look for return to work opportunities, including light duty work, if medically approved
- Employer Information for Workers' Compensation Claims
 - Get medical help for your injured worker
 - You may contact the medical provider after they treat your worker to request information about the claim & any work restrictions
 - You cannot:
 - Discourage a worker from filing a claim or seeking medical attention
 - Pay for the worker's medical treatment yourself instead of filing a claim with L&I
 - Discriminate or retaliate against your worker for filing a claim
 - You may protest a claim (or any claim decision) if you believe it was filed in error, fraudulent, or if the worker is not your employee
 - File an employer's report of accident
 - Stay involved with your worker's claim
- Helping injured workers return to work
 - Medical restrictions may stop a worker from returning to their regular job after an injury
 - If possible, offer light duty work within a worker's medical restrictions while they recover
 - The attending medical provider must give approval for light duty work
 - Loss of earning power benefits from L&I can help pay the difference in wages if an employer wants to bring an injured worker back light duty either part time or at a lower wage rate. Loss of earning power can save the employer money while also providing more money to workers than they would get if they stayed home and received time loss wage replacement benefits from L&I
 - The preferred worker program provides financial incentives to employers who hire workers with permanent medical restrictions
 - The claim-free discount program provides discounts to the workers' compensation premiums of small businesses, including adult family homes, if they have no serious claims for a three-year period. Medical payment only claims do not affect the discount

- The Stay at Work program reimburses employers for up to \$10,000 in wages and some of their additional costs if they provide temporary, light duty jobs for injured workers while they heal
- The Continuous Employment Incentive is a program that allows eligible employers to receive a one-time incentive of up to \$10,000 for continually employing a certified preferred worker for at least 12 months
- Washington State Unemployment Insurance
 - Employers must post the [You May Be Eligible for Unemployment Benefits If You Lose Your Job](#) poster
 - Unemployment Insurance provides financial benefits for eligible unemployed workers to help them meet expenses while looking for a new job
 - Adult family homes are required to provide unemployment insurance for all of their workers through the Washington State Department of Employment Security (ESD)
 - Employers must purchase unemployment insurance coverage from ESD
 - Unemployment insurance eligibility
 - There are several factors ESD looks at to see if you qualify for unemployment insurance benefits:
 - The number of hours you worked in the past 12-18 months, to determine if you have the minimum 680 hours required
 - The reason you were separated from your job: laid off, quit with good cause, terminated due to no fault of your own, or still working less than full-time
 - Whether you are mentally & physically able to work & available to work without restrictions that would prevent you from accepting work (for example: transportation issues, illness, vacations, or lack of childcare)
 - Whether you are making an active, weekly job search to make sure you are looking for work in occupations that you are willing and able to work in. You must keep a log of your job search activities
 - Whether you worked in Washington & are legally authorized to work in the United States during the weeks you are claiming benefits
 - If you return to work but are working less than full-time, you may still be eligible for part of your unemployment benefits
- Filing an unemployment claim
 - The fastest way to [apply for benefits](#) is online
 - While you can file by phone at 1-800-318-6022, you should expect extended wait times
 - There are no in-person unemployment offices in Washington state
 - Even if you go to a WorkSource office, you will still be directed to apply for unemployment benefits online or by phone
 - What to do if you get laid off from work and start collecting unemployment
 - Apply for unemployment benefits
 - The amount of benefits depends on your earnings
 - Benefits generally last no longer than 26 weeks (6 months)
 - Look for work & keep a written record of your job search efforts to maintain eligibility
 - Submit a weekly claim or restart your claim

- After you apply for unemployment benefits, you must [submit a weekly claim](#) for every week you wish to receive benefits
 - Your weekly claim covers the prior week. For unemployment purposes, a week runs from Sunday through Saturday – you cannot claim for the week until it is over.
- Paid Family and Medical Leave
 - Employers must post the poster: [Paid Family and Medical Leave Paid Time Off. Peace of Mind.](#)
 - The Paid Family and Medical Leave program is a state-run insurance benefit passed by the legislature in 2017 & beginning in 2020
 - It allows most employees to receive up to 12 weeks of paid leave for:
 - Bonding after the birth or placement of a child
 - An employee’s serious health condition
 - A serious health condition of a qualifying family member
 - Certain military events
 - The Employment Security Department administers the [Paid Family and Medical Leave program](#)
 - Visit paidleave.wa.gov for details
 - The Paid Family and Medical Leave program is funded by premiums paid by both employees & employers
 - [Small employers](#) (Under 50 employees) are not required to pay the employer portion of the premium, but they still must [collect & submit the employee’s share](#)
 - The premium is 0.4 percent of employees’ gross wages, with the contribution divided between the employee and the employer
 - The employee portion is 2/3 (63.333%) of the premium
 - Small business employees are still eligible for the full benefit
 - Small employers may voluntarily pay the 1/3 employer share of the premium to get benefits such as grants to cover costs for hiring temporary workers
 - All businesses, including adult family homes, are required to file a report with the Employment Security Department every quarter
- Domestic Violence Leave
 - Employers must post the: [Domestic Violence Survivor Resources](#) poster
 - Washington State provides victims of domestic violence, sexual assault, or stalking the opportunity to take time off from work
 - Employers must [accommodate requests](#) for time off or safety accommodations & allow employees to use available paid or unpaid leave as needed
- Paid Sick Leave
 - As of Jan. 1, 2018, employers in Washington State are required to provide paid sick leave to their employees
 - At a minimum, employers must provide one hour of [paid sick leave](#) for every 40 hours worked by an employee, regardless of full-time, part-time, temporary, or seasonal status

- Authorized uses of paid sick leave include:
 - Illness or injury
 - Physical or mental health conditions
 - Doctor or dentist visits
 - Preventive care
 - Workplace, child’s school, or daycare closures ordered by a public official for any health-related reason
 - Leave that qualifies under [Washington's Domestic Violence Leave Act](#)

- Family Care Act
 - The Washington Family Care Act (FCA) allows employees to take any paid leave offered by their employer to care for a qualifying family member
 - [Family Care Act](#) leave may be used to:
 - Provide treatment or supervision for a child with a health condition
 - Care for a qualifying family member with a serious or emergency health condition
 - Leave under the FCA is not available for an employee’s personal medical condition
 - It can only be used for a qualifying family member
 - When requesting FCA leave, all employer policies must be followed
 - However, employers cannot prescribe the type of leave an employee chooses under this Act
 - The FCA allows employees to choose any type of leave they have earned, including paid sick leave

- Military Spousal Leave
 - An employee whose spouse has received an impending call to active duty during a period of military conflict may take up to 15 days of job-protected leave from work

- Pregnancy & Parental Leave
 - There are several state and federal laws dealing with pregnancy, adoption, & parental leave
 - These laws allow certain employees to take job-protected leave to care for and bond with a new child or to respond to pregnancy-related conditions before and after the delivery of a child
 - There are [five laws](#) that determine how much pregnancy & parental leave is available to employees in Washington
 - Depending on the applicable law, you may have paid or unpaid leave options or a combination of both. In general, most new mothers are not entitled to unemployment benefits because they must be able and available to work

- Washington State Employment Standards & Labor Laws
 - Employers must post the poster: [Your Rights as a Worker](#)

- Minimum Wage
 - Washington employers must pay most employees at least the minimum wage for all hours worked

- The 2021 Minimum Wage in the state of Washington is \$13.69 per hour
 - Some local jurisdictions have higher minimum wage rates & different labor rules than Washington state. In 2021 they are:
 - Seattle: \$16.69/hr.
 - SeaTac: \$16.57/hr.
 - Hours worked includes opening and closing a business, required trainings, & meetings
 - An employee may file a [wage complaint claim](#) with L&I if they have not been paid properly
 - It is against the law to fire or otherwise retaliate against an employee who exercises a protected right, files or intends to file a complaint, or who discusses potential violations of their rights
- Rest Breaks
 - Employees must be allowed a paid rest period, free from duties, of at least 10 minutes for every 4 hours worked. Additionally:
 - Employees cannot be required to work more than 3 hours without a rest break
 - Breaks must be scheduled as close to the midpoint of a work period as possible
 - Employers can require workers to stay on the job site during a rest break
 - Rest breaks taken are considered “hours worked” when calculating paid sick leave & overtime
 - In some jobs, including many healthcare settings such as adult family homes, “mini” rest breaks can be taken instead of a scheduled rest break
 - These “mini” rest breaks must total at least 10 minutes over a 4-hour period
- Restroom Breaks
 - Employees must be provided “reasonable access” to bathrooms and toilet facilities
 - Employers cannot restrict use of bathroom or toilet facilities to rigid time schedules (e.g., only during scheduled breaks), or impose unreasonable time use restrictions
- Meal Periods
 - Employees must be allowed a meal period when they work more than five hours in a shift
 - A meal period must be at least 30 minutes long & start between the 2nd and 5th hour of the shift
 - Employees must be paid for meal breaks if:
 - They are required to remain on duty
 - The employer requires them to remain on-call on the premises or work site in the interest of the employer, even if they are not called back to duty
 - They are called back to work, interrupting the meal period
 - Employees who are required to work or remain on duty during a meal break are still entitled to 30 total minutes of mealtime, excluding interruptions
 - The entire meal period must be paid regardless of the number of interruptions. Work performed during meal breaks is considered “hours worked” when calculating paid sick leave and overtime
 - Employers are not required to pay for a meal break if an employee is free from all duties for their entire break

- Employees can only be required to remain on the premises or work site during their meal period if they are completely free from work duties
- Unpaid meal breaks are not considered “hours worked”
- Employees working more than 3 hours beyond their scheduled shift are entitled to additional meal periods.
 - Additional 30-minute meal periods must be given within five hours from the end of the first meal period & for each additional five hours worked
- Employees can waive their meal break requirement if both they and their employer agree but cannot waive rest break requirements
 - Employers may file a [Variance Application](#) with L&I to request modification of rest & meal break requirements
- Schedules
 - For most employees, there are no state requirements regulating how and when they are scheduled by their employer
 - An employer has the right to change an employee's schedule at any time, with or without notice
 - Employers are not required to give weekends or holidays off and can schedule mandatory overtime
- Overtime
 - Most employees who work more than 40 hours in a 7-day workweek must be paid overtime
 - [Overtime](#) pay must be at least 1.5 times the employee’s regular hourly rate.
 - Other overtime rates, like double-time pay, are not required under Washington state law
 - Employers must pay overtime to eligible workers regardless of the employer’s size
 - Employers may mandate overtime work
 - Employees cannot waive their right to overtime pay
- Worker Rights Complaints
 - The state’s [Wage Payment Act](#) provides basic rights for employees. It also provides a way to file a worker rights complaint if you believe your rights have been violated
 - You can file a worker rights complaint with L&I in the following areas:
 - Wage Issues
 - [Minimum wage](#)
 - [Overtime](#)
 - [Agreed wages](#)
 - [Paid sick leave](#)
 - [Final paychecks & non-sufficient fund \(NSF\) checks](#)
 - [Unauthorized deductions](#)
 - Non-Wage Issues
 - [Retaliation & termination](#)
 - [Rest break & meal period violations](#)
 - [Child labor](#)

- [Uniforms & dress codes](#)
- There are three ways you can file a complaint:
 - File a [Worker Rights Complaint](#) online,
 - Download and mail a completed [Worker Rights Complaint form](#)
 - Visit your nearest [L&I office](#)
- It is against the law for a business to fire or retaliate against an employee who exercises a protected right, files a complaint, or discusses potential violations of their rights
- You can file a complaint even if you no longer work for the employer you are filing a complaint against

Funding and support for this project has been provided by the State of Washington, Department of Labor & Industries, Safety & Health Investment Projects.

The Adult Family Home Council is solely responsible for the content of and views expressed in this report and related materials unless they have been formally endorsed by the Washington State Department of Labor & Industries.

These documents do not replace any standard or regulation and create no new legal obligations. They are advisory in nature, informational in content, and are intended to assist employers in providing a safe and healthful workplace.

WORKER SAFETY AWARENESS PROGRAM

MODULE 8 RESOURCE LIST: WASHINGTON STATE WORKERS' COMPENSATION, UNEMPLOYMENT INSURANCE, & LABOR LAWS

- Title 51 Revised Code of Washington (RCW) Industrial Insurance (Washington State industrial insurance laws): <https://app.leg.wa.gov/rcw/default.aspx?cite=51>
- Chapter 50.20 RCW Unemployment laws: <https://app.leg.wa.gov/RCW/default.aspx?cite=50.20>
- Title 49 RCW Labor Regulations: <https://apps.leg.wa.gov/rcw/default.aspx?cite=49>
- Title 296 Washington Administrative Code (WAC) Department of Labor & Industries (L&I): Administrative rules administered by L&I including workers' compensation & workplace standards rules): <https://apps.leg.wa.gov/wac/default.aspx?cite=296>
- L&I General Website: lni.wa.gov
- Find a local L&I office near you: <http://www.lni.wa.gov/Offices>
- L&I Help for Small Business webpage: <https://lni.wa.gov/agency/small-business/>
- L&I Business Requirements webpage: <https://lni.wa.gov/agency/small-business/business-requirements>
- L&I Required Workplace Posters from L&I webpage: <https://lni.wa.gov/forms-publications/required-workplace-posters>
- L&I Employer Incentives webpage (Includes information about programs to reduce workers' compensation costs): <https://lni.wa.gov/claims/for-employers/employer-incentives/>
- Employer's Guide to Workers' Compensation Insurance in Washington State: <https://www.lni.wa.gov/forms-publications/F101-002-000.pdf>
- L&I Workers Compensation Benefits A Guide for Injured Workers: <https://lni.wa.gov/forms-publications/F242-104-000.pdf>
- L&I Employer's Return-to-Work Guide- Financial incentives available from L&I: <https://www.lni.wa.gov/forms-publications/F200-003-000.pdf>
- L&I Getting Back to Work: It's Your Job and Your Future brochure: <https://www.lni.wa.gov/forms-publications/F200-001-000.pdf>
- L&I Helping Workers Return to Work webpage (Includes information on the Stay at Work and Preferred Worker programs): <https://lni.wa.gov/patient-care/workshops-training/attending-provider-resource-center/helping-workers-return-to-work>
- L&I Independent Contractor Guide: <https://lni.wa.gov/forms-publications/F101-063-000.pdf>
- L&I Do I Need a Workers' Comp Account webpage (Basic information on what worker's compensation insurance provides): <https://lni.wa.gov/insurance/insurance-requirements/do-i-need-a-workers-comp-account/>
- L&I How to Get a Workers' Comp Account webpage (Information for employers on buying workers' compensation insurance for their workers): <https://lni.wa.gov/insurance/insurance-requirements/how-to-get-a-workers-compensation-account/>
- L&I Pay Quarterly Reports Quickfile webpage for paying worker's compensation premiums: <https://demo-public.lni.wa.gov/insurance/quarterly-reports/file-quarterly-reports/>
- L&I Find a Doctor Lookup Tool (an online resource to help injured workers find a medical provider that accepts workers' compensation insurance): <https://lni.wa.gov/claims/for-workers/find-a-doctor/index>

- L&I Protest or Appeal a Claim Decision webpage (What to do if you disagree with a decision on a workers' compensation claim): <https://demo-public.lni.wa.gov/claims/for-employers/protest-or-appeal-a-claim-decision/>
- L&I Workers Compensation Injury Data webpage: <https://lni.wa.gov/claims/for-employers/workers-compensation-injury-data/>
- L&I Stay At Work- It's a Win-Win (short YouTube training video): <https://youtu.be/MFQPZSR1BI8>
- L&I Independent Contractors webpage: <https://lni.wa.gov/insurance/insurance-requirements/independent-contractors/>
- L&I Workplace Rights webpage: <https://lni.wa.gov/workers-rights/>
- L&I Rest Breaks, Meal Periods & Schedules webpage: <https://lni.wa.gov/workers-rights/workplace-policies/rest-breaks-meal-periods-and-schedules>
- L&I Worker Rights Complaints webpage: <https://lni.wa.gov/workers-rights/workplace-complaints/worker-rights-complaints>
- L&I Minimum Wage webpage: <https://lni.wa.gov/workers-rights/wages/minimum-wage/>
- L&I Termination & Retaliation webpage: <https://lni.wa.gov/workers-rights/workplace-policies/termination-retaliation>
- L&I Paid Sick Leave webpage: <https://lni.wa.gov/workers-rights/leave/paid-sick-leave/>
- L&I Family Care Act webpage: <https://lni.wa.gov/workers-rights/leave/family-care-act>
- L&I Labor Law Policy webpage: <https://lni.wa.gov/workers-rights/workplace-policies/administrative-policies>
- Employment Security Department (ESD) webpage: <https://esd.wa.gov/>
- ESD Unemployment webpage: <https://esd.wa.gov/unemployment>
- ESD Unemployment Job Search Requirements webpage: <https://esd.wa.gov/unemployment/job-search-requirements>
- ESD How to File a Weekly Unemployment Claim webpage: <https://esd.wa.gov/unemployment/how-to-file-a-weekly-claim>
- ESD Unemployment Taxes webpage: <https://esd.wa.gov/employer-taxes>
- ESD Paid Family Leave webpage: <https://esd.wa.gov/paid-family-medical-leave>
- ESD Required Workplace Posters webpage: <https://esd.wa.gov/about-employees/forms-and-publications>
- ESD Unemployed Worker Handbook:
<https://esdorhardstorage.blob.core.windows.net/esdwa/Default/ESDWAGOV/Unemployment/ESD-Handbook-for-Unemployed-Workers.pdf>
- ESD Employer Tax Handbook:
<https://esdorhardstorage.blob.core.windows.net/esdwa/Default/ESDWAGOV/employer-Taxes/ESD-Employer-Tax-Handbook-1.pdf>
- ESD Contact Information for Employers website: <https://esd.wa.gov/employer-taxes/businesses-contact>
- ESD Contact Information for Unemployed Workers website:
<https://esd.wa.gov/unemployment/unemployed-workers-contact>
- WorkSource Find a Local WorkSource Office (For assistance with finding a job & unemployment benefits):
<https://worksourcewa.com/microsite/content.aspx?appid=MGSWAOFFLOC&pagetype=simple&seo=officeLocator>
- Department of Revenue Washington State Business License Hiring Employees website:
<https://dor.wa.gov/manage-business/grow-business/hiring-employees>



- Washington Paid Family Leave main website: <https://paidleave.wa.gov/employers/>
- WorkersCompensation.com Washington State Workers Compensation 101: https://www.workerscompensation.com/news_read.php?id=11513
- National Domestic Violence Hotline website: <https://www.thehotline.org/>

Funding and support for this project has been provided by the State of Washington, Department of Labor & Industries, Safety & Health Investment Projects.

The Adult Family Home Council is solely responsible for the content of and views expressed in this report and related materials unless they have been formally endorsed by the Washington State Department of Labor & Industries.

These documents do not replace any standard or regulation and create no new legal obligations. They are advisory in nature, informational in content, and are intended to assist employers in providing a safe and healthful workplace.