

CERTIFICATION OF ENROLLMENT

**SUBSTITUTE HOUSE BILL 1244**

60th Legislature  
2007 Regular Session

Passed by the House April 14, 2007  
Yeas 63 Nays 31

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**Speaker of the House of Representatives**

Passed by the Senate April 4, 2007  
Yeas 47 Nays 0

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**President of the Senate**

Approved

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**Governor of the State of Washington**

CERTIFICATE

I, Richard Nafziger, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **SUBSTITUTE HOUSE BILL 1244** as passed by the House of Representatives and the Senate on the dates hereon set forth.

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**Chief Clerk**

FILED

**Secretary of State  
State of Washington**

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**SUBSTITUTE HOUSE BILL 1244**

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AS AMENDED BY THE SENATE

Passed Legislature - 2007 Regular Session

**State of Washington                      60th Legislature                      2007 Regular Session**

**By** House Committee on Commerce & Labor (originally sponsored by Representatives Conway, Hankins, Clibborn, Wood, Hunt, Haler, Morrell, Kirby, Hasegawa, Moeller, Sells, Strow, McCoy, O'Brien, Ericks, Simpson, Green, Campbell, Williams, Kenney and Ormsby)

READ FIRST TIME 02/20/07.

1            AN ACT Relating to industrial insurance, but only with respect to  
2 defining wages to include the cost of health insurance; amending RCW  
3 51.08.178; and creating a new section.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5            **Sec. 1.** RCW 51.08.178 and 1988 c 161 s 12 are each amended to read  
6 as follows:

7            (1) For the purposes of this title, the monthly wages the worker  
8 was receiving from all employment at the time of injury shall be the  
9 basis upon which compensation is computed unless otherwise provided  
10 specifically in the statute concerned. In cases where the worker's  
11 wages are not fixed by the month, they shall be determined by  
12 multiplying the daily wage the worker was receiving at the time of the  
13 injury:

14            (a) By five, if the worker was normally employed one day a week;

15            (b) By nine, if the worker was normally employed two days a week;

16            (c) By thirteen, if the worker was normally employed three days a  
17 week;

18            (d) By eighteen, if the worker was normally employed four days a  
19 week;

1 (e) By twenty-two, if the worker was normally employed five days a  
2 week;

3 (f) By twenty-six, if the worker was normally employed six days a  
4 week;

5 (g) By thirty, if the worker was normally employed seven days a  
6 week.

7 The term "wages" shall include the reasonable value of board,  
8 housing, fuel, or other consideration of like nature received from the  
9 employer as part of the contract of hire, but shall not include  
10 overtime pay except in cases under subsection (2) of this section. As  
11 consideration of like nature to board, housing, and fuel, wages shall  
12 also include the employer's payment or contributions, or appropriate  
13 portions thereof, for health care benefits unless the employer  
14 continues ongoing and current payment or contributions for these  
15 benefits at the same level as provided at the time of injury. However,  
16 tips shall also be considered wages only to the extent such tips are  
17 reported to the employer for federal income tax purposes. The daily  
18 wage shall be the hourly wage multiplied by the number of hours the  
19 worker is normally employed. The number of hours the worker is  
20 normally employed shall be determined by the department in a fair and  
21 reasonable manner, which may include averaging the number of hours  
22 worked per day.

23 (2) In cases where (a) the worker's employment is exclusively  
24 seasonal in nature or (b) the worker's current employment or his or her  
25 relation to his or her employment is essentially part-time or  
26 intermittent, the monthly wage shall be determined by dividing by  
27 twelve the total wages earned, including overtime, from all employment  
28 in any twelve successive calendar months preceding the injury which  
29 fairly represent the claimant's employment pattern.

30 (3) If, within the twelve months immediately preceding the injury,  
31 the worker has received from the employer at the time of injury a bonus  
32 as part of the contract of hire, the average monthly value of such  
33 bonus shall be included in determining the worker's monthly wages.

34 (4) In cases where a wage has not been fixed or cannot be  
35 reasonably and fairly determined, the monthly wage shall be computed on  
36 the basis of the usual wage paid other employees engaged in like or  
37 similar occupations where the wages are fixed.

1        NEW SECTION.   **Sec. 2.**   Section 1 of this act applies to all wage  
2        determinations issued on or after the effective date of this act.

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