

The Department of Labor and Industries will be making changes to several internal policies that may potentially impact self-insurers.

Policy 4.42: Documenting wages and employment patterns for sole proprietors, partners, corporate officers and other corporate entities.

This policy change is intended to provide clarity and reflect the Department's current practice in calculating wages for these entities under the framework outline in RCW 51.08.178. Under this policy change, the list of documents and combinations of documents that a Department adjudicator may use to best determine employment patterns of sole proprietors, partners, corporate officers and other corporate entities has been updated. It includes the use of payroll records, IRS forms, other corporate tax forms, Employment Security Department summaries, L&I employer's quarterly reports, and other records such as check registers and time records to document the worker's schedule and wages. If there is no wage documentation on file, the adjudicator pays at statutory minimum on temporary orders while gathering wage information.

Policy 6.11: Marketing by vocational rehabilitation providers.

This policy applies to situations where Department employees receive marketing inquiries intended to obtain or increase vocational referrals. The policy specifies that Department employees may not accept anything of economic value, such as gifts, gratuities, entertainment or favors if it could be reasonably expected to influence the action, inaction, or judgment of the employee. If a Department employee receives a marketing inquiry, the employee is directed to forward the inquiry to the Private Sector Rehabilitation Services Section. Department employees are not permitted to grant private sector vocational rehabilitation counselors access to secured areas within the Department without permission from management.

Policy 61.03: Coverage for domestic servants

WAC 296-17A-6510 outlines the criteria for classification as a domestic servant or home care assistant employed in or about the private residence of a home owner. The classification applies to services such as cooking, housekeeping, gardening, caring for children, caring for the elderly and people with disabilities, and care of animals not used for a business at the homeowner's residence.

Domestic servants working for commercial businesses are mandatorily covered. The policy is being amended to specify that all hours for domestic servants during the day, overnight or on call at the job site are to be included in the calculation for determining if industrial insurance coverage is mandatory. The policy is also being amended to state that the average hourly wage computation may be applied to determine reportable hours for the domestic servant risk classification. If an individual employs any number of domestic servants and two or more regularly work more than 40 hours per week, industrial insurance coverage is required for all domestic servants in that individual's employ.