

~~((Until such time as the director shall establish other rates, members and employers of such members shall each contribute 5.51% of compensation earnable: PROVIDED, That employers shall initially contribute an additional one and one-half percent of compensation earnable per member to amortize the unfunded supplemental present value of the retirement system in effect on September 30, 1977:))~~

****NEW SECTION. Sec. 7. Until June 1, 1987, the director is authorized to retroactively suspend any administrative action initiated on or after January 1, 1986, to recover pension overpayments from retirees who have returned to covered employment.***

*Sec. 7 was vetoed, see message at end of chapter.

Passed the House March 9, 1986.

Passed the Senate March 7, 1986.

Approved by the Governor April 3, 1986, with the exception of certain items which are vetoed.

Filed in Office of Secretary of State April 3, 1986.

Note: Governor's explanation of partial veto is as follows:

"I am returning herewith, without my approval as to section 7, Substitute House Bill No. 588, entitled:

"AN ACT Relating to setting retirement system contribution rates."

Section 7 suspends the reclamation of pension benefits paid to a retiree who is still employed by the state. This section is nearly, but not exactly, identical to section 8 of Engrossed Substitute Senate Bill 3182. To avoid confusion in the law, I have vetoed section 7 of this bill.

With the exception of section 7, Substitute House Bill No. 588 is approved."

CHAPTER 269

[Substitute House Bill No. 1134]

DEPARTMENT OF SOCIAL AND HEALTH SERVICES TO SCREEN POTENTIAL EMPLOYEES WHO WILL BE WORKING WITH CHILDREN OR DEVELOPMENTALLY DISABLED PERSONS—INSTITUTIONAL CARE EMPLOYEE REIMBURSEMENT FOR COSTS RELATED TO ASSAULT BY RESIDENTS

AN ACT Relating to the department of social and health services; amending RCW 26-44.070; adding a new section to chapter 43.20A RCW; adding a new section to chapter 41.06 RCW; adding a new section to chapter 72.01 RCW; and repealing RCW 43.20A.700.

Be it enacted by the Legislature of the State of Washington:

NEW SECTION. Sec. 1. A new section is added to chapter 43.20A RCW to read as follows:

The secretary shall investigate the conviction records or pending charges of persons being considered for state employment in positions directly responsible for the supervision, care, or treatment of children or developmentally disabled persons. The investigation may include an examination of state and national criminal identification data and the child

abuse and neglect register established under chapter 26.44 RCW. The secretary shall use the information solely for the purpose of determining the character, suitability, and competence of these applicants. Criminal justice agencies shall provide the secretary such information as they may have and that the secretary may require for such purpose. If necessary, persons may be employed on a conditional basis pending completion of the background investigation.

NEW SECTION. Sec. 2. A new section is added to chapter 41.06 RCW to read as follows:

The state personnel board shall adopt rules, in cooperation with the secretary of social and health services, for the background investigation of persons being considered for state employment in positions directly responsible for the supervision, care, or treatment of children or developmentally disabled persons.

Sec. 3. Section 6, chapter 35, Laws of 1969 ex. sess. as last amended by section 6, chapter 97, Laws of 1984 and RCW 26.44.070 are each amended to read as follows:

The department shall maintain a central registry of reported cases of child abuse or abuse of an adult dependent person and shall adopt such rules and regulations as necessary in carrying out the provisions of this section. Records in the central registry shall be considered confidential and privileged and will not be available except upon court order to any person or agency except (1) law enforcement agencies as defined in this chapter in the course of an investigation of alleged abuse or neglect; (2) protective services workers or juvenile court personnel who are investigating reported incidents of abuse or neglect; (3) department of social and health services personnel who are investigating the character and/or suitability of an agency and other persons who are applicants for licensure, registration, or certification, or applicants for employment with such an agency or persons, or under contract to or employed by an agency or persons directly responsible for the care and treatment of children, expectant mothers, or adult dependent persons pursuant to chapter 74.15 RCW; (4) department of social and health services personnel who are investigating the character, suitability, and competence of persons being considered for employment with the department in positions directly responsible for the supervision, care, or treatment of children or developmentally disabled persons pursuant to chapters 43.20A and 41.06 RCW; (5) department of social and health services personnel who are investigating the character or suitability of any persons with whom children may be placed under the interstate compact on the placement of children, chapter 26.34 RCW; ~~((5))~~ (6) physicians who are treating the child or adult dependent person or family; ~~((6))~~ (7) any child or adult dependent person named in the registry who is alleged to be abused or neglected, or his or her guardian ad litem and/or attorney; ~~((7))~~ (8) a parent, guardian, or other person legally responsible for the welfare and safety of the child or

adult dependent person named in the registry; ~~((8))~~ (9) any person engaged in a bona fide research purpose, as determined by the department, according to rules and regulations, provided that information identifying the persons of the registry shall remain privileged; and ~~((9))~~ (10) any individual whose name appears on the registry shall have access to his own records. Those persons or agencies exempted by this section from the confidentiality of the records of the registry shall not further disseminate or release such information so provided to them and shall respect the confidentiality of such information, and any violation of this section shall constitute a misdemeanor.

*NEW SECTION. Sec. 4. A new section is added to chapter 72.01 RCW to read as follows:

(1) For purposes of this section only, "assault" means an unauthorized touching of an employee by a resident, patient, or juvenile offender resulting in physical injury to the employee.

(2) In recognition of the hazardous nature of employment in state institutions, the legislature hereby provides a supplementary program to reimburse institutional care employees of the department of social and health services for some of their costs attributable to their being the victims of assault by residents, patients, or juvenile offenders. This program shall be limited to the reimbursement provided in this section.

(3) An employee is only entitled to receive the reimbursement provided in this section if the secretary of social and health services, or the secretary's designee, finds that each of the following has occurred:

(a) A resident or patient has assaulted the employee and as a result thereof the employee has sustained demonstrated physical injuries which have required the employee to miss days of work;

(b) The assault cannot be attributable to any extent to the employee's negligence, misconduct, or failure to comply with any rules or conditions of employment; and

(c) The department of labor and industries has approved the employee's workers' compensation application pursuant to chapter 51.32 RCW.

(4) The reimbursement authorized under this section shall be as follows:

(a) The employee's accumulated sick leave days shall not be reduced for the workdays missed;

(b) For each workday missed for which the employee is not eligible to receive compensation under chapter 51.32 RCW, the employee shall receive full pay; and

(c) In respect to workdays missed for which the employee will receive or has received compensation under chapter 51.32 RCW, the employee shall be reimbursed in an amount which, when added to that compensation, will result in the employee receiving full pay for the workdays missed.

(5) Reimbursement under this section may not last longer than three hundred sixty-five consecutive days after the date of the injury.

(6) The employee shall not be entitled to the reimbursement provided in subsection (4) of this section for any workday for which the secretary or secretary's designee, finds that the employee has not diligently pursued his or her compensation remedies under chapter 51.32 RCW.

(7) The reimbursement shall only be made for absences which the secretary or secretary's designee, believes are justified.

(8) While the employee is receiving reimbursement under this section, he or she shall continue to be classified as a state employee and the reimbursement amount shall be considered as salary or wages.

(9) While the employee is receiving reimbursement under this section, the employee shall continue to receive service credit under chapter 41.32 or 41.40 RCW, whichever is appropriate, and the respective employee and employer contributions to the retirement system shall also continue to be made, under the appropriate chapter, on the regular compensation the employee would have received had not the disability occurred.

(10) All reimbursement payments required to be made to employees under this section shall be made by the department of social and health services. The payments shall be considered as a salary or wage expense and shall be paid by the department in the same manner and from the same appropriations as other salary and wage expenses of the department.

(11) Should the legislature revoke the reimbursement authorized under this section or repeal this section, no affected employee is entitled thereafter to receive the reimbursement as a matter of contractual right.

*Sec. 4 was partially vetoed, see message at end of chapter.

NEW SECTION. Sec. 5. Section 5, chapter 151, Laws of 1981 and RCW 43.20A.700 are each repealed.

Passed the House March 12, 1986.

Passed the Senate March 12, 1986.

Approved by the Governor April 3, 1986, with the exception of certain items which are vetoed.

Filed in Office of Secretary of State April 3, 1986.

Note: Governor's explanation of partial veto is as follows:

"I am returning herewith, without my approval as to section 4(9), Substitute House Bill No. 1134, entitled:

"AN ACT Relating to the Department of Social and Health Services."

Section 4(9) of this bill would permit Department of Social and Health Services employees injured by assault to receive retirement credit for their period of disability. Similar provisions are also contained in section 2 of Engrossed House Bill No. 1652. To avoid conflict between the two provisions, I have vetoed section 4(9).

With the exception of section 4(9), Substitute House Bill No. 1134 is approved."