



WORKERS' COMP *Newsletter*

Workers' Compensation Cooperative

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March 2019 Newsletter

Reporting monthly worker hours for L&I: Are you reporting Certificated Employees correctly?

All **nine-month** certificated employees will be reported using 1440 hours. This rule is for all nine-month employees regardless of the number of hours they work per day. This includes certificated staff contracted to work between 170 and 190 days per year. Average 1440 hours divided by 12 = 120 hours/month.

All other certificated staff will be reported at 160 hours per month worked, regardless of the number of hours worked each day. Contract days worked in part of a month must be reported as 8 hours for each contracted day (beginning and/or end of contract).

If the employee is contracted to work **full** months (no partial months at beginning and/or end of contract) calculate the annual hours based on the number of full months worked times 160 hours.

If the employee is contracted for **both** partial (beginning and/or end of contract) and full months:

- Figure the number of full months worked times 160 hours.
- Count the number of days worked in the partial months (beginning and/or end of contract) multiplied by 8 hours – not to exceed 160 hours reported for the month.
- Add the calculated hours from "a" and "b" together to get the total hours.
- If the contract has less than 12 payments, multiply the average hours per month by 12 to get the total annualized average hours.

* The Average calculation is always based on 12 months. When the number of payments on an employee contract is less than 12 months, the calculation must be modified and the Average hours per year increased to ensure that the total hours for the employee are reported correctly.

Example: Certificated employee contracted for work starting September 18 – May 5. This contract includes 10 days worked in September and 5 days worked in May. There are 7 full months of employment plus 15 days worked at the beginning and end of the contract. Employee is being paid 12 equal payments on the contract.

- 160 hours x 7 months = 1120 hours
- 15 days x 8 hours/day = 120 hours
- 1120 hours + 120 hours = 1240 hours / 12 months = 103.33 hours/month

Using the above example with a contract paid over 11 months the calculation is modified to obtain annualized hours as follows:

- 1240 hours / 11 months = 112.73 hours/month
- 112.73 hours x 12 = 1352.76

Important notes regarding Certificated Staff and the L&I Reporting:

Supplemental/Additional/Secondary Contracts:

Contracted personnel, whose hours are being reported under the average hours option, may sometimes enter into supplemental/additional/secondary contracts with the school district. Such contracts, beyond the base nine month school year contract, may include after school programs, coaching, or similar assignments.

As long as these secondary contracts are limited to the nine month school year, i.e. they run concurrently with the base/primary contract, they are considered covered under the average hours reported.

April's newsletter will include information on reporting classified employees' hours. You may also visit <https://www.esd105.org/Page/276>.

Please contact us with any questions.

Robyn, Mareli, Amalia, Carina & Orlando

Safety citation penalties from L&I

A safety citation is issued to an employer to notify them of Division of Occupational Safety & Health (DOSH) inspection results. This can include:

- Safety and health violations found
- Penalties due to the violations
- Correction (abatement) dates

January, 2019 Update: L&I is required to adopt maximum penalty levels at least as effective as the Federal Occupational Safety and Health Administration (OSHA). OSHA recently announced its new maximum penalty levels for 2019, and these new amounts are effective as of January 23, 2019.

For any inspection opened on or after January 23, 2019, and until new maximum/minimum levels are announced by Federal OSHA in January 2020, the chart below applies:

Type of violation and new 2019 maximum cost:

- Serious = \$13,260 per violation
- Willful or Repeated = \$132,598 per violation (The minimum willful penalty in effect is \$9,472.)
- Failure to Abate = \$13,260 per day beyond the abatement date

Note: Employees must be informed about safety citations for 3 working days or until all violations are corrected.

Questions? Contact Orlando Cerrillo at 509-454-3108 or orlando.cerrillo@esd105.org.

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