



# Employer Solutions Law

Washington courts have issued several significant decisions that shape how employers must interpret and apply workers' compensation rules, safety standards, and procedural requirements. These rulings affect a wide range of workplace issues—from occupational disease claims and trench-safety enforcement to DOSH inspection practices and the timing of reopening applications.

This summary provides an employer-focused overview of the case law. It is **not a substitute for legal advice**, but it offers a strong foundation for understanding recent judicial developments.

## Lisa M. Azorit-Wortham v. Department of Labor & Industries and Alaska Airlines

*Topic: Occupational Disease & Travelling Employee Doctrine*

### Key Facts

- Alaska Airlines flight attendant contracted COVID-19 and believed the exposure occurred during work travel.
- She could not identify the specific date, time, or location of exposure.
- She filed an occupational disease claim and argued that the **Travelling Employee Doctrine** should apply

### Court's Decision

The Washington Supreme Court agreed: **The Travelling Employee Doctrine *can apply* to occupational disease claims.**

### Why This Matters for Employers

- Expands potential liability for traveling employees who cannot pinpoint exposure locations.
- Employers may see broader claims coverage when employees regularly work away from a fixed jobsite.

## Washington State Employment Law Case Law 2025

### SRV Construction v. Department of Labor & Industries

*Topic: Trenching Safety & the “Zone of Danger” Standard*

### Key Facts

- DOSH alleged a trenching violation involving an employee working in a sloped trench.
- L&I could not prove the employee was actually exposed to the area deeper than 48 inches.
- SRV lost at the Board but won at trial court and Court of Appeals by arguing lack of actual exposure.

### Court's Decision

The Court of Appeals (Division I) reversed course and held:

- The employee was within the **“zone of danger.”**
- L&I does not need to prove actual exposure, only reasonable predictability** that employees could be in the hazardous area during their duties.
- The “zone of danger” is defined as:
  - “The area surrounding the violative condition that presents the danger the standard is intended to prevent.”*

### Why This Matters for Employers

- Reinforces the broad reach of DOSH enforcement even without proof of actual exposure.
- Employers must ensure trenching and excavation conditions meet safety standards across the *entire* work area.



## Bradshaw Development d/b/a Anytime Fitness v. Department of Labor & Industries

*Topic: DOSH Inspections & Privacy Expectations*

### Key Facts

- During pandemic shutdowns, a DOSH inspector entered a locked gym by “**tailgating**” behind a member who used her keycard.
- The gym was supposed to be closed to the public at the time.

### Court’s Decision

The Court of Appeals (Division III) held that the inspector’s entry was improper:

- “Tailgating” behind a keycard user is an unreasonable point of entry.
- This violated the business’s reasonable expectation of privacy.
- The court affirmed dismissal of the DOSH citations.

### Why This Matters for Employers

- Reinforces that DOSH inspectors must use lawful, reasonable entry methods.
- Employers may challenge citations arising from improper inspection entry.

## Zbigniew Laskowski v. Department of Labor & Industries

*Topic: Reopening Applications During Claim Appeals*

### Key Facts

- Worker appealed a claim closure to the Board.
- During the appeal, he filed a reopening application.
- L&I told him they would not rule on reopening until the appeal was resolved.
- After the Board affirmed closure, L&I denied reopening.
- Worker argued reopening was “deemed granted” because no decision was issued within 90 days.

### Court’s Decision

The Court of Appeals (Division III) sided with L&I:

- A closing order under appeal is **not final and binding**.
- Therefore, the reopening application was **not properly filed**, and the 90-day deadline did **not apply**

### Why This Matters for Employers

Affirms that claim reopening timelines do not run while the underlying closure is under appeal.

Supports procedural clarity for employers navigating long-running claims.

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