



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.

Brian Padgett, Managing Attorney

425-644-6142

www.employersolutionslaw.com