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ENGROSSED SENATE BILL 5770

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State of Washington

54th Legislature

1995 Regular Session

By Senators Pelz, Newhouse and Deccio; by request of Employment Security Department

Read first time 02/06/95. Referred to Committee on Labor, Commerce & Trade.

1 AN ACT Relating to unemployment insurance claimant profiling;  
2 amending RCW 50.20.010; creating a new section; and declaring an  
3 emergency.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5 **Sec. 1.** RCW 50.20.010 and 1981 c 35 s 3 are each amended to read  
6 as follows:

7 An unemployed individual shall be eligible to receive waiting  
8 period credits or benefits with respect to any week in his or her  
9 eligibility period only if the commissioner finds that:

10 (1) He or she has registered for work at, and thereafter has  
11 continued to report at, an employment office in accordance with such  
12 regulation as the commissioner may prescribe, except that the  
13 commissioner may by regulation waive or alter either or both of the  
14 requirements of this subdivision as to individuals attached to regular  
15 jobs and as to such other types of cases or situations with respect to  
16 which (~~he or she~~) the commissioner finds that the compliance with  
17 such requirements would be oppressive, or would be inconsistent with  
18 the purposes of this title;

1 (2) He or she has filed an application for an initial determination  
2 and made a claim for waiting period credit or for benefits in  
3 accordance with the provisions of this title;

4 (3) He or she is able to work, and is available for work in any  
5 trade, occupation, profession, or business for which he or she is  
6 reasonably fitted. To be available for work an individual must be  
7 ready, able, and willing, immediately to accept any suitable work which  
8 may be offered to him or her and must be actively seeking work pursuant  
9 to customary trade practices and through other methods when so directed  
10 by the commissioner or ~~((his))~~ the commissioner's agents;

11 (4) He or she has been unemployed for a waiting period of one week;  
12 ~~((and))~~

13 (5) He or she participates in reemployment services, such as job  
14 search assistance services, if the individual has been determined to be  
15 likely to exhaust regular benefits and to need reemployment services  
16 pursuant to a profiling system established by the commissioner, unless  
17 the commissioner determines that:

18 (a) The individual has completed such services; or

19 (b) There is justifiable cause for the claimant's failure to  
20 participate in such services.

21 The profiling system shall identify permanently separated workers who  
22 are likely to have difficulty becoming reemployed, using a combination  
23 of individual characteristics and labor market information to assign  
24 each individual a unique probability of benefit exhaustion.  
25 Individuals identified as likely to exhaust benefits shall be referred  
26 to reemployment services, to the extent such services are available at  
27 public expense; and

28 (6) As to weeks beginning after March 31, 1981, which fall within  
29 an extended benefit period as defined in RCW 50.22.010(~~((+1), as now or~~  
30 ~~hereafter amended)), the individual meets the terms and conditions of~~  
31 RCW 50.22.020(~~(, as now or hereafter amended,)) with respect to~~  
32 benefits claimed in excess of twenty-six times the individual's weekly  
33 benefit amount.

34 An individual's eligibility period for regular benefits shall be  
35 coincident to his or her established benefit year. An individual's  
36 eligibility period for additional or extended benefits shall be the  
37 periods prescribed elsewhere in this title for such benefits.

1        NEW SECTION.    **Sec. 2.**    If any part of this act is found to be in  
2 conflict with federal requirements that are a prescribed condition to  
3 the allocation of federal funds to the state or the eligibility of  
4 employers in this state for federal unemployment tax credits, the  
5 conflicting part of this act is hereby declared to be inoperative  
6 solely to the extent of the conflict, and such finding or determination  
7 shall not affect the operation of the remainder of this act. The rules  
8 under this act shall meet federal requirements that are a necessary  
9 condition to the receipt of federal funds by the state or the granting  
10 of federal unemployment tax credits to employers in this state.

11        NEW SECTION.    **Sec. 3.**    This act is necessary for the immediate  
12 preservation of the public peace, health, or safety, or support of the  
13 state government and its existing public institutions, and shall take  
14 effect immediately.

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