

SENATE BILL REPORT

SB 5465

AS REPORTED BY COMMITTEE ON LABOR & COMMERCE, MARCH 3, 1993

**Brief Description:** Providing unemployment insurance for persons reentering the work force.

**SPONSORS:** Senators Prentice, Vognild, Moore, Sutherland and Fraser

**SENATE COMMITTEE ON LABOR & COMMERCE**

**Majority Report:** That Substitute Senate Bill No. 5465 be substituted therefor, and the substitute bill do pass.

Signed by Senators Moore, Chairman; Prentice, Vice Chairman; McAuliffe, Pelz, Sutherland, Vognild, and Wojahn.

**Minority Report:** Do not pass.

Signed by Senators Amondson, Barr, Cantu, Newhouse, and Prince.

**Staff:** Patrick Woods (786-7430)

**Hearing Dates:** February 17, 1993; March 3, 1993

**BACKGROUND:**

Currently, an individual that has suffered a temporary total disability which is compensable under the state's industrial insurance or crime victims compensation laws is granted unemployment insurance benefits. Benefits may only be provided when the individual is able to return to work and is actively seeking employment.

**SUMMARY:**

The existing statutory provisions granting unemployment benefits to individuals that have suffered a temporary total disability which is compensable under the state's industrial insurance or crime victims compensation laws are modified. Individuals that are reentering the work force after an absence of not less than 13 weeks due to a temporary total physical disability because of a nonwork-related injury may also receive unemployment benefits.

Individuals that have suffered a temporary total disability are required to make an application of determination to the Department of Employment Security within 26 weeks following the week in which the injury occurred.

If the claim is appealed, the individual's base year employer may examine the medical information related to the disability and require a second opinion from a health care provider.

The eligible claimants 52-week benefit year is established from the week in which the individual filed an application to the department for initial determination.

A severability clause regarding conflicts with federal unemployment compensation requirements is provided.

**EFFECT OF PROPOSED SUBSTITUTE:**

The commencement of an injured individual's benefit year is modified from the week of application to the week of reentering the workforce.

It is clarified that individuals authorized to receive benefits under this subsection are required to meet other eligibility requirements under unemployment insurance statutes.

**Appropriation:** none

**Revenue:** none

**Fiscal Note:** requested

**TESTIMONY FOR:**

Providing benefits to individuals that have suffered a total temporary disability is a justifiable use of unemployment insurance funds. Existing law permits the same individual to receive benefits now if the injury occurs on the job and is covered by workers' compensation.

**TESTIMONY AGAINST:**

The expansion of benefits to individuals that have suffered a temporary total disability off the job will have an adverse impact on the unemployment insurance trust fund.

**TESTIFIED:** Graeme Sackrison, ESD; Martha Lindley, Unemployment Law Project (pro); Jeff Johnson, WSLC-AFL-CIO (pro); Robert Dilger, Washington State Building Trade Council (pro); Clif Finch, Association of Washington Business; Gary Smith, Independent Business Association; Norm Raffaell, AWB, Weyerhaeuser Co.