

2 **ESB 5770** - CONF REPT  
3 By Conference Committee

4 ADOPTED 4/23/95

5 Strike everything after the enacting clause and insert the  
6 following:

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

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

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

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

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

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

33 He or she participates in reemployment services if the  
34 individual has been referred to reemployment services pursuant to the  
35 profiling system established by the commissioner under section 2 of  
36 this act, unless the commissioner determines that:

1        (a) The individual has completed such services; or  
2        (b) There is justifiable cause for the claimant's failure to  
3 participate in such services; and

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

10        An individual's eligibility period for regular benefits shall be  
11 coincident to his or her established benefit year. An individual's  
12 eligibility period for additional or extended benefits shall be the  
13 periods prescribed elsewhere in this title for such benefits.

14        NEW SECTION. Sec. 2. A new section is added to chapter 50.20 RCW  
15 to read as follows:

16        (1) The commissioner shall establish and use a profiling system for  
17 new claimants for regular compensation under this title that identifies  
18 permanently separated workers who are likely to exhaust regular  
19 compensation and will need job search assistance services to make a  
20 successful transition to new employment. The profiling system shall  
21 use a combination of individual characteristics and labor market  
22 information to assign each individual a unique probability of benefit  
23 exhaustion. Individuals identified as likely to exhaust benefits shall  
24 be referred to reemployment services, such as job search assistance  
25 services, to the extent such services are available at public expense.

26        (2) The profiling system shall include collection and review of  
27 follow-up information relating to the services received by individuals  
28 under this section and the employment outcomes for the individuals  
29 following receipt of the services. The information shall be used in  
30 making profiling identifications.

31        (3) In carrying out reviews of individuals receiving services, the  
32 department may contract with public or private entities and may  
33 disclose information or records necessary to permit contracting  
34 entities to assist in the operation and management of department  
35 functions. Any information or records disclosed to public or private  
36 entities shall be used solely for the purposes for which the  
37 information was disclosed and the entity shall be bound by the same  
38 rules of privacy and confidentiality as department employees. The

1 misuse or unauthorized disclosure of information or records deemed  
2 private and confidential under chapter 50.13 RCW by any person or  
3 organization to which access is permitted by this section shall subject  
4 the person or organization to a civil penalty of five thousand dollars  
5 and other applicable sanctions under state and federal law. Suit to  
6 enforce this section shall be brought by the attorney general and the  
7 amount of any penalties collected shall be paid into the employment  
8 security department administrative contingency fund. The attorney  
9 general may recover reasonable attorneys' fees for any action brought  
10 to enforce this section.

11 **Sec. 3.** RCW 50.20.043 and 1985 c 40 s 1 are each amended to read  
12 as follows:

13 (1) No otherwise eligible individual shall be denied benefits for  
14 any week because the individual is in training with the approval of the  
15 commissioner, nor shall such individual be denied benefits with respect  
16 to any week in which the individual is satisfactorily progressing in a  
17 training program with the approval of the commissioner by reason of the  
18 application of RCW 50.20.010(3), 50.20.015, 50.20.080, or 50.22.020(1)  
19 relating to availability for work and active search for work, or  
20 failure to apply for or refusal to accept suitable work.

21 (2) An individual shall be considered to be in training with the  
22 approval of the commissioner if the individual is one who:

23 (a)(i) The commissioner determines to be a dislocated worker as  
24 defined by RCW 50.04.075; or

25 (ii) Fits the department's profile of unemployed workers who are  
26 likely to exhaust their benefits; and ((who))

27 (b) Is satisfactorily progressing in a training program approved by  
28 the commissioner ((shall be considered to be in training with the  
29 approval of the commissioner)).

30 (3) At the time of filing for an initial determination, individuals  
31 determined to be dislocated workers as defined in RCW 50.04.075 or who  
32 fit the department's profile of unemployed workers who are likely to  
33 exhaust their benefits shall be provided with information concerning  
34 the opportunity, if the individual is otherwise eligible, to receive  
35 benefits while satisfactorily progressing in training approved by the  
36 commissioner.

