

2 **SB 6578** - S AMD - 195
3 By Senator Anderson

4 RULED OUTSIDE SCOPE 2/13/96

5 On page 6, after line 2, insert the following:

6 "**Sec. 3.** RCW 50.20.065 and 1993 c 483 s 11 are each amended to
7 read as follows:

8 (1) Notwithstanding any prior determination made under this
9 chapter, an individual who has been discharged from his or her work
10 because of a felony or gross misdemeanor of which he or she has been
11 convicted, or has admitted committing to a competent authority, and
12 that is connected with his or her work shall ((have)) be disqualified
13 from benefits beginning with the first day of the calendar week in
14 which he or she has been discharged or suspended for misconduct and
15 thereafter for five calendar weeks and until he or she has obtained
16 work and earned wages equal to five times his or her benefit amount.
17 In addition, all hourly wage credits based on that employment shall be
18 canceled.

19 (2) The employer shall notify the department of such an admission
20 or conviction, not later than six months following the admission or
21 conviction.

22 (3) The claimant shall disclose any conviction of the claimant of
23 a work-connected felony or gross misdemeanor occurring in the previous
24 two years to the department at the time of application for benefits.

25 (4) All benefits ((that are)) paid ((in error)) based on wage/hour
26 credits that ((should have been)) are removed from the claimant's base
27 year are recoverable, notwithstanding RCW 50.20.190 or 50.24.020 or any
28 other provisions of this title.

29 **Sec. 4.** RCW 50.20.160 and 1990 c 245 s 4 are each amended to read
30 as follows:

31 (1) A determination of amount of benefits potentially payable
32 issued pursuant to the provisions of RCW 50.20.120 and 50.20.140 shall
33 not serve as a basis for appeal but shall be subject to request by the
34 claimant for reconsideration and/or for redetermination by the
35 commissioner at any time within one year from the date of delivery or

1 mailing of such determination, or any redetermination thereof:
2 PROVIDED, That in the absence of fraud or misrepresentation on the part
3 of the claimant, any benefits paid prior to the date of any
4 redetermination which reduces the amount of benefits payable shall not
5 be subject to recovery under the provisions of RCW 50.20.190. A denial
6 of a request to reconsider or a redetermination shall be furnished the
7 claimant in writing and provide the basis for appeal under the
8 provisions of RCW 50.32.020.

9 (2) A determination of denial of benefits issued under the
10 provisions of RCW 50.20.180 shall become final, in absence of timely
11 appeal therefrom: PROVIDED, That the commissioner may reconsider and
12 redetermine such determinations at any time within one year from
13 delivery or mailing to correct an error in identity, omission of fact,
14 or misapplication of law with respect to the facts.

15 (3) A determination of allowance of benefits shall become final, in
16 absence of a timely appeal therefrom: PROVIDED, That the commissioner
17 may redetermine such allowance at any time within two years following
18 the benefit year in which such allowance was made in order to recover
19 any benefits improperly paid and for which recovery is provided under
20 the provisions of RCW 50.20.190: AND PROVIDED FURTHER, That in the
21 absence of fraud, misrepresentation, ~~((or))~~ nondisclosure, or a
22 determination of disqualification under RCW 50.20.065, this provision
23 or the provisions of RCW 50.20.190 shall not be construed so as to
24 permit redetermination or recovery of an allowance of benefits which
25 having been made after consideration of the provisions of RCW
26 50.20.010(3), or the provisions of RCW 50.20.050, 50.20.060, 50.20.080,
27 or 50.20.090 has become final.

28 (4) A redetermination may be made at any time: (a) To conform to
29 a final court decision applicable to either an initial determination or
30 a determination of denial or allowance of benefits; (b) in the event of
31 a back pay award or settlement affecting the allowance of benefits;
32 ~~((or))~~ (c) in the case of fraud, misrepresentation, or willful
33 nondisclosure; or (d) in the event of a determination of
34 disqualification under RCW 50.20.065. Written notice of any such
35 redetermination shall be promptly given by mail or delivered to such
36 interested parties as were notified of the initial determination or
37 determination of denial or allowance of benefits and any new interested
38 party or parties who, pursuant to such regulation as the commissioner
39 may prescribe, would be an interested party.

1 NEW SECTION. **Sec. 5.** Sections 3 and 4 of this act shall take
2 effect July 2, 1996, and are effective as to job separations occurring
3 on or after July 2, 1996."

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7 On page 1, line 2 of the title, after "practices;" strike "and"

8 On page 1, beginning on line 2 of the title, strike "and 50.20.190"
9 and insert ", 50.20.190, 50.20.065, and 50.20.160; and providing an
10 effective date"

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