
HOUSE BILL 2380

State of Washington

55th Legislature

1998 Regular Session

By Representative Dunn

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1 AN ACT Relating to calculation of weekly benefit amounts; amending
2 RCW 50.20.120, 50.04.030, 50.04.310, 50.20.010, 50.20.015, 50.20.050,
3 50.20.140, 50.22.030, 50.22.040, 50.22.050, and 50.22.090; and
4 reenacting and amending RCW 50.22.020.

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

6 **Sec. 1.** RCW 50.20.120 and 1993 c 483 s 12 are each amended to read
7 as follows:

8 (1) Subject to the other provisions of this title, benefits shall
9 be payable to any eligible individual during the individual's benefit
10 year in a maximum amount equal to the lesser of thirty times the
11 individual's average weekly benefit amount (determined hereinafter) or
12 one-third of the individual's base year wages under this title:
13 PROVIDED, That as to any week beginning on and after March 31, 1981,
14 which falls in an extended benefit period as defined in RCW
15 50.22.010(1), as now or hereafter amended, an individual's eligibility
16 for maximum benefits in excess of twenty-six times (~~his or her~~) the
17 individual's average weekly benefit amount will be subject to the terms
18 and conditions set forth in RCW 50.22.020, as now or hereafter amended.

1 (2)(a) An individual's weekly benefit amount shall be determined
2 for each quarter of the benefit year. Each quarterly weekly benefit
3 amount shall be an amount equal to one twenty-fifth of the average
4 ((quarterly wages of the individual's total wages during the two
5 quarters of the individual's base year in which such total wages were
6 highest)) of the individual's total wages earned in the corresponding
7 calendar quarters included within:

8 (i) The first twelve of the last thirteen completed calendar
9 quarters immediately preceding the individual's current benefit year;
10 or

11 (ii) If the individual's benefit year is established using an
12 alternative base year under RCW 50.04.020, the last twelve completed
13 calendar quarters immediately preceding the individual's current
14 benefit year.

15 (b) An individual's average weekly benefit amount shall be the
16 average of the four quarterly weekly benefit amounts calculated in (a)
17 of this subsection.

18 (c) The maximum and minimum amounts payable weekly shall be
19 determined as of each June 30th to apply to benefit years beginning in
20 the twelve-month period immediately following such June 30th. The
21 maximum amount payable weekly shall be seventy percent of the "average
22 weekly wage" for the calendar year preceding such June 30th. The
23 minimum amount payable weekly shall be fifteen percent of the "average
24 weekly wage" for the calendar year preceding such June 30th.

25 (d) If any weekly benefit, maximum benefit, or minimum benefit
26 amount computed herein is not a multiple of one dollar, it shall be
27 reduced to the next lower multiple of one dollar.

28 **Sec. 2.** RCW 50.04.030 and 1991 c 117 s 1 are each amended to read
29 as follows:

30 "Benefit year" with respect to each individual, means the fifty-two
31 consecutive week period beginning with the first day of the calendar
32 week in which the individual files an application for an initial
33 determination and thereafter the fifty-two consecutive week period
34 beginning with the first day of the calendar week in which the
35 individual next files an application for an initial determination after
36 the expiration of the individual's last preceding benefit year:
37 PROVIDED, HOWEVER, That the foregoing limitation shall not be deemed to
38 preclude the establishment of a new benefit year under the laws of

1 another state pursuant to any agreement providing for the interstate
2 combining of employment and wages and the interstate payment of
3 benefits nor shall this limitation be deemed to preclude the
4 commissioner from backdating an initial application at the request of
5 the claimant either for the convenience of the department of employment
6 security or for any other reason deemed by the commissioner to be good
7 cause.

8 An individual's benefit year shall be extended to be fifty-three
9 weeks when at the expiration of fifty-two weeks the establishment of a
10 new benefit year would result in the use of a quarter of wages in the
11 new base year that had been included in the individual's prior base
12 year.

13 No benefit year will be established unless it is determined that
14 the individual earned wages in "employment" in not less than six
15 hundred eighty hours of the individual's base year: PROVIDED, HOWEVER,
16 That a benefit year cannot be established if the base year wages
17 include wages earned prior to the establishment of a prior benefit year
18 unless the individual worked and earned wages since the last separation
19 from employment immediately before the application for initial
20 determination in the previous benefit year if the applicant was an
21 unemployed individual at the time of application, or since the initial
22 separation in the previous benefit year if the applicant was not an
23 unemployed individual at the time of filing an application for initial
24 determination for the previous benefit year, of not less than six times
25 the individual's average weekly benefit amount computed for the
26 individual's new benefit year.

27 If an individual's prior benefit year was based on the last four
28 completed calendar quarters, a new benefit year shall not be
29 established until the new base year does not include any hours used in
30 the establishment of the prior benefit year.

31 If the wages of an individual are not based upon a fixed duration
32 of time or if the individual's wages are paid at irregular intervals or
33 in such manner as not to extend regularly over the period of
34 employment, the wages for any week shall be determined in such manner
35 as the commissioner may by regulation prescribe. Such regulation
36 shall, so far as possible, secure results reasonably similar to those
37 which would prevail if the individual were paid his or her wages at
38 regular intervals.

1 **Sec. 3.** RCW 50.04.310 and 1984 c 134 s 1 are each amended to read
2 as follows:

3 (1) An individual shall be deemed to be "unemployed" in any week
4 during which the individual performs no services and with respect to
5 which no remuneration is payable to the individual, or in any week of
6 less than full time work, if the remuneration payable to the individual
7 with respect to such week is less than one and one-third times the
8 individual's weekly benefit amount for the applicable calendar quarter
9 plus five dollars. The commissioner shall prescribe regulations
10 applicable to unemployed individuals making such distinctions in the
11 procedures as to such types of unemployment as the commissioner deems
12 necessary.

13 (2) An individual shall be deemed not to be "unemployed" during any
14 week which falls totally within a period during which the individual,
15 pursuant to a collective bargaining agreement or individual employment
16 contract, is employed full time in accordance with a definition of full
17 time contained in the agreement or contract, and for which compensation
18 for full time work is payable. This subsection may not be applied
19 retroactively to an individual who had no guarantee of work at the
20 start of such period and subsequently is provided additional work by
21 the employer.

22 **Sec. 4.** RCW 50.20.010 and 1995 c 381 s 1 are each amended to read
23 as follows:

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

27 (1) He or she has registered for work at, and thereafter has
28 continued to report at, an employment office in accordance with such
29 regulation as the commissioner may prescribe, except that the
30 commissioner may by regulation waive or alter either or both of the
31 requirements of this subdivision as to individuals attached to regular
32 jobs and as to such other types of cases or situations with respect to
33 which the commissioner finds that the compliance with such requirements
34 would be oppressive, or would be inconsistent with the purposes of this
35 title;

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

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

8 (4) He or she has been unemployed for a waiting period of one week;

9 (5) He or she participates in reemployment services if the
10 individual has been referred to reemployment services pursuant to the
11 profiling system established by the commissioner under RCW 50.20.011,
12 unless the commissioner determines that:

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

14 (b) There is justifiable cause for the claimant's failure to
15 participate in such services; and

16 (6) As to weeks beginning after March 31, 1981, which fall within
17 an extended benefit period as defined in RCW 50.22.010, the individual
18 meets the terms and conditions of RCW 50.22.020 with respect to
19 benefits claimed in excess of twenty-six times the individual's average
20 weekly benefit amount.

21 An individual's eligibility period for regular benefits shall be
22 coincident to his or her established benefit year. An individual's
23 eligibility period for additional or extended benefits shall be the
24 periods prescribed elsewhere in this title for such benefits.

25 **Sec. 5.** RCW 50.20.015 and 1986 c 106 s 1 are each amended to read
26 as follows:

27 If the product of an otherwise eligible individual's weekly benefit
28 amount for the applicable calendar quarter multiplied by thirteen is
29 greater than the total amount of wages earned in covered employment in
30 the higher of two corresponding calendar quarters included within the
31 individual's determination period, that individual shall be considered
32 to have marginal labor force attachment. For the purposes of this
33 subsection and RCW 50.29.020, "determination period" means the first
34 eight of the last nine completed calendar quarters immediately
35 preceding the individual's current benefit year.

36 **Sec. 6.** RCW 50.20.050 and 1993 c 483 s 8 are each amended to read
37 as follows:

1 (1) An individual shall be disqualified from benefits beginning
2 with the first day of the calendar week in which he or she has left
3 work voluntarily without good cause and thereafter for five calendar
4 weeks and until he or she has obtained bona fide work and earned wages
5 equal to five times ((his or her)) the individual's average weekly
6 benefit amount.

7 The disqualification shall continue if the work obtained is a mere
8 sham to qualify for benefits and is not bona fide work. In determining
9 whether work is of a bona fide nature, the commissioner shall consider
10 factors including but not limited to the following:

11 (a) The duration of the work;

12 (b) The extent of direction and control by the employer over the
13 work; and

14 (c) The level of skill required for the work in light of the
15 individual's training and experience.

16 (2) An individual shall not be considered to have left work
17 voluntarily without good cause when:

18 (a) He or she has left work to accept a bona fide offer of bona
19 fide work as described in subsection (1) of this section;

20 (b) The separation was because of the illness or disability of the
21 claimant or the death, illness, or disability of a member of the
22 claimant's immediate family if the claimant took all reasonable
23 precautions, in accordance with any regulations that the commissioner
24 may prescribe, to protect his or her employment status by having
25 promptly notified the employer of the reason for the absence and by
26 having promptly requested reemployment when again able to assume
27 employment: PROVIDED, That these precautions need not have been taken
28 when they would have been a futile act, including those instances when
29 the futility of the act was a result of a recognized labor/management
30 dispatch system; or

31 (c) He or she has left work to relocate for the spouse's employment
32 that is outside the existing labor market area if the claimant remained
33 employed as long as was reasonable prior to the move.

34 (3) In determining under this section whether an individual has
35 left work voluntarily without good cause, the commissioner shall only
36 consider work-connected factors such as the degree of risk involved to
37 the individual's health, safety, and morals, the individual's physical
38 fitness for the work, the individual's ability to perform the work, and
39 such other work connected factors as the commissioner may deem

1 pertinent, including state and national emergencies. Good cause shall
2 not be established for voluntarily leaving work because of its distance
3 from an individual's residence where the distance was known to the
4 individual at the time he or she accepted the employment and where, in
5 the judgment of the department, the distance is customarily traveled by
6 workers in the individual's job classification and labor market, nor
7 because of any other significant work factor which was generally known
8 and present at the time he or she accepted employment, unless the
9 related circumstances have so changed as to amount to a substantial
10 involuntary deterioration of the work factor or unless the commissioner
11 determines that other related circumstances would work an unreasonable
12 hardship on the individual were he or she required to continue in the
13 employment.

14 (4) Subsections (1) and (3) of this section shall not apply to an
15 individual whose marital status or domestic responsibilities cause him
16 or her to leave employment. Such an individual shall not be eligible
17 for unemployment insurance benefits beginning with the first day of the
18 calendar week in which he or she left work and thereafter for five
19 calendar weeks and until he or she has requalified, either by obtaining
20 bona fide work and earning wages equal to five times (~~his or her~~) the
21 individual's average weekly benefit amount or by reporting in person to
22 the department during ten different calendar weeks and certifying on
23 each occasion that he or she is ready, able, and willing to immediately
24 accept any suitable work which may be offered, is actively seeking work
25 pursuant to customary trade practices, and is utilizing such employment
26 counseling and placement services as are available through the
27 department. This subsection does not apply to individuals covered by
28 subsection (2) (b) or (c) of this section.

29 **Sec. 7.** RCW 50.20.140 and 1951 c 215 s 4 are each amended to read
30 as follows:

31 An application for initial determination, a claim for waiting
32 period, or a claim for benefits shall be filed in accordance with such
33 regulations as the commissioner may prescribe. An application for an
34 initial determination may be made by any individual whether unemployed
35 or not. Each employer shall post and maintain printed statements of
36 such regulations in places readily accessible to individuals in (~~his~~)
37 the employer's employment and shall make available to each such
38 individual at the time he becomes unemployed, a printed statement of

1 such regulations and such notices, instructions and other material as
2 the commissioner may by regulation prescribe. Such printed material
3 shall be supplied by the commissioner to each employer without cost to
4 (~~him~~) the employer.

5 The term "application for initial determination" shall mean a
6 request in writing for an initial determination. The term "claim for
7 waiting period" shall mean a certification, after the close of a given
8 week, that the requirements stated herein for eligibility for waiting
9 period have been met. The term "claim for benefits" shall mean a
10 certification, after the close of a given week, that the requirements
11 stated herein for eligibility for receipt of benefits have been met.

12 A representative designated by the commissioner shall take the
13 application for initial determination and for the claim for waiting
14 period credits or for benefits. When an application for initial
15 determination has been made, the employment security department shall
16 promptly make an initial determination which shall be a statement of
17 the applicant's base year wages, (~~his~~) the applicant's weekly benefit
18 amount for each quarter of the benefit year, (~~his~~) the applicant's
19 maximum amount of benefits potentially payable, and (~~his~~) the
20 applicant's benefit year. Such determination shall fix the general
21 conditions under which waiting period credit shall be granted and under
22 which benefits shall be paid during any period of unemployment
23 occurring within the benefit year fixed by such determination.

24 **Sec. 8.** RCW 50.22.020 and 1993 c 483 s 16 and 1993 c 58 s 3 are
25 each reenacted and amended to read as follows:

26 When the result would not be inconsistent with the other provisions
27 of this chapter, the provisions of this title and commissioner's
28 regulations enacted pursuant thereto, which apply to claims for, or the
29 payment of, regular benefits, shall apply to claims for, and the
30 payment of, extended benefits: PROVIDED, That

31 (1) Payment of extended compensation under this chapter shall not
32 be made to any individual for any week of unemployment in his or her
33 eligibility period

34 (a) During which he or she fails to accept any offer of suitable
35 work (as defined in subsection (3) of this section) or fails to apply
36 for any suitable work to which he or she was referred by the employment
37 security department; or

1 (b) During which he or she fails to actively engage in seeking
2 work.

3 (2) If any individual is ineligible for extended compensation for
4 any week by reason of a failure described in subsections (1)(a) or
5 (1)(b) of this section, the individual shall be ineligible to receive
6 extended compensation for any week which begins during a period which«

7 (a) Begins with the week following the week in which such failure
8 occurs; and

9 (b) Does not end until such individual has been employed during at
10 least four weeks which begin after such failure and the total of the
11 remuneration earned by the individual for being so employed is not less
12 than the product of four multiplied by the individual's average weekly
13 benefit amount (as determined under RCW 50.20.120) for his or her
14 benefit year.

15 (3) For purposes of this section, the term "suitable work" means,
16 with respect to any individual, any work which is within such
17 individual's capabilities and which does not involve conditions
18 described in RCW 50.20.110: PROVIDED, That if the individual furnishes
19 evidence satisfactory to the employment security department that such
20 individual's prospects for obtaining work in his or her customary
21 occupation within a reasonably short period are good, the determination
22 of whether any work is suitable work with respect to such individual
23 shall be made in accordance with RCW 50.20.100.

24 (4) Extended compensation shall not be denied under subsection
25 (1)(a) of this section to any individual for any week by reason of a
26 failure to accept an offer of, or apply for, suitable work if:

27 (a) The gross average weekly remuneration payable to such
28 individual for the position does not exceed the sum of«

29 (i) The individual's weekly benefit amount for the applicable
30 calendar quarter (as determined under RCW 50.20.120) for his or her
31 benefit year; plus

32 (ii) The amount (if any) of supplemental unemployment compensation
33 benefits (as defined in section 501(c)(17)(D) of the Internal Revenue
34 Code of 1954, 26 U.S.C. Sec. 501(c)(17)(D)), payable to such individual
35 for such week;

36 (b) The position was not offered to such individual in writing and
37 was not listed with the employment security department;

38 (c) Such failure would not result in a denial of compensation under
39 the provisions of RCW 50.20.080 and 50.20.100 to the extent such

1 provisions are not inconsistent with the provisions of subsections (3)
2 and (5) of this section; or

3 (d) The position pays wages less than the higher of«

4 (i) The minimum wage provided by section (6)(a)(1) of the Fair
5 Labor Standards Act of 1938, without regard to any exemption; or

6 (ii) Any applicable state or local minimum wage.

7 (5) For purposes of this section, an individual shall be treated as
8 actively engaged in seeking work during any week if:

9 (a) The individual has engaged in a systematic and sustained effort
10 to obtain work during such week; and

11 (b) The individual provides tangible evidence to the employment
12 security department that he or she has engaged in such an effort during
13 such week.

14 (6) The employment security department shall refer applicants for
15 benefits under this chapter to any suitable work to which subsections
16 (4)(a) through (4)(d) of this section would not apply.

17 (7) No provisions of this title which terminates a disqualification
18 for voluntarily leaving employment, being discharged for misconduct, or
19 refusing suitable employment shall apply for purposes of determining
20 eligibility for extended compensation unless such termination is based
21 upon employment subsequent to the date of such disqualification.

22 (8) The provisions of subsections (1) through (7) of this section
23 shall apply with respect to weeks of unemployment beginning after March
24 31, 1981: PROVIDED HOWEVER, That the provisions of subsections (1)
25 through (7) of this section shall not apply to those weeks of
26 unemployment beginning after March 6, 1993, and before January 1, 1995.

27 **Sec. 9.** RCW 50.22.030 and 1993 c 483 s 17 are each amended to read
28 as follows:

29 (1) An individual shall be eligible to receive extended benefits
30 with respect to any week of unemployment in his or her eligibility
31 period only if the commissioner finds with respect to such week that:

32 (a) The individual is an "exhaustee" as defined in RCW 50.22.010;

33 (b) He or she has satisfied the requirements of this title for the
34 receipt of regular benefits that are applicable to individuals claiming
35 extended benefits, including not being subject to a disqualification
36 for the receipt of benefits; and

37 (c) He or she has earned wages in the applicable base year of at
38 least:

1 (i) Forty times ((~~his or her~~)) the individual's average weekly
2 benefit amount; or

3 (ii) One and one-half times his or her insured wages in the
4 calendar quarter of the base period in which the insured wages are the
5 highest, for weeks of unemployment on or after July 3, 1992.

6 (2) An individual filing an interstate claim in any state under the
7 interstate benefit payment plan shall not be eligible to receive
8 extended benefits for any week beyond the first two weeks claimed for
9 which extended benefits are payable unless an extended benefit period
10 embracing such week is also in effect in the agent state.

11 **Sec. 10.** RCW 50.22.040 and 1983 1st ex.s. c 23 s 13 are each
12 amended to read as follows:

13 The weekly extended benefit amount payable to an individual for a
14 week of total unemployment in his eligibility period shall be an amount
15 for the applicable calendar quarter equal to the weekly benefit amount
16 payable to him during his applicable benefit year. However, for those
17 individuals whose eligibility period for extended benefits commences
18 with weeks beginning after October 1, 1983, the weekly benefit amount,
19 as computed in RCW 50.20.120(2) and payable under this section, if not
20 a multiple of one dollar, shall be reduced to the next lower multiple
21 of one dollar.

22 **Sec. 11.** RCW 50.22.050 and 1993 c 483 s 18 are each amended to
23 read as follows:

24 (1) The total extended benefit amount payable to any eligible
25 individual with respect to his or her applicable benefit year shall be
26 the least of the following amounts:

27 (a) Fifty percent of the total amount of regular benefits which
28 were payable to him or her under this title in his or her applicable
29 benefit year;

30 (b) Thirteen times ((~~his or her~~)) the individual's average weekly
31 benefit amount which was payable to him or her under this title for a
32 week of total unemployment in the applicable benefit year; or

33 (c) Thirty-nine times ((~~his or her~~)) the individual's average
34 weekly benefit amount which was payable to him or her under this title
35 for a week of total unemployment in the applicable benefit year,
36 reduced by the total amount of regular benefits which were paid (or

1 deemed paid) to him or her under this title with respect to the benefit
2 year.

3 (2) Notwithstanding any other provision of this chapter, if the
4 benefit year of any eligible individual ends within an extended benefit
5 period, the extended benefits which the individual would otherwise be
6 entitled to receive with respect to weeks of unemployment beginning
7 after the end of the benefit year and within the extended benefit
8 period shall be reduced (but not below zero) by the product of the
9 number of weeks for which the individual received any amount as a trade
10 readjustment allowance within that benefit year, multiplied by the
11 individual's weekly extended benefit amount.

12 (3) Effective for weeks beginning in a high unemployment period as
13 defined in RCW 50.22.010(3) the total extended benefit amount payable
14 to any eligible individual with respect to his or her applicable
15 benefit year shall be the least of the following amounts:

16 (a) Eighty percent of the total amount of regular benefits that
17 were payable to him or her under this title in his or her applicable
18 benefit year;

19 (b) Twenty times (~~his or her~~) the individual's average weekly
20 benefit amount that was payable to him or her under this title for a
21 week of total unemployment in the applicable benefit year; or

22 (c) Forty-six times (~~his or her~~) the individual's average weekly
23 benefit amount that was payable to him or her under this title for a
24 week of total unemployment in the applicable benefit year, reduced by
25 the total amount of regular benefits which were paid, or deemed paid,
26 to him or her under this title with respect to the benefit year.

27 **Sec. 12.** RCW 50.22.090 and 1997 c 367 s 4 are each amended to read
28 as follows:

29 (1) An additional benefit period is established for rural natural
30 resources impact areas, defined in this section, and determined by the
31 office of financial management and the employment security department.
32 Benefits shall be paid as provided in subsection (3) of this section to
33 exhaustees eligible under subsection (4) of this section.

34 (2) The additional benefit period for a county may end no sooner
35 than fifty-two weeks after the additional benefit period begins.

36 (3) Additional benefits shall be paid as follows:

37 (a) No new claims for additional benefits shall be accepted for
38 weeks beginning after July 1, 1999, but for claims established on or

1 before July 1, 1999, weeks of unemployment occurring after July 1,
2 1999, shall be compensated as provided in this section.

3 (b) The total additional benefit amount shall be one hundred four
4 times the individual's average weekly benefit amount, reduced by the
5 total amount of regular benefits and extended benefits paid, or deemed
6 paid, with respect to the benefit year. Additional benefits shall not
7 be payable for weeks more than two years beyond the end of the benefit
8 year of the regular claim for an individual whose benefit year ends on
9 or after July 27, 1991, and shall not be payable for weeks ending on or
10 after two years after March 26, 1992, for individuals who become
11 eligible as a result of chapter 47, Laws of 1992.

12 (c) Notwithstanding the provisions of (b) of this subsection,
13 individuals will be entitled to up to five additional weeks of benefits
14 following the completion or termination of training.

15 (d) Notwithstanding the provisions of (b) of this subsection,
16 individuals enrolled in prerequisite remedial education for a training
17 program expected to last at least one year will be entitled to up to
18 thirteen additional weeks of benefits which shall not count toward the
19 total in (b) of this subsection.

20 (e) The weekly benefit amount shall be calculated as specified in
21 RCW 50.22.040.

22 (f) Benefits paid under this section shall be paid under the same
23 terms and conditions as regular benefits. The additional benefit
24 period shall be suspended with the start of an extended benefit period,
25 or any totally federally funded benefit program, with eligibility
26 criteria and benefits comparable to the program established by this
27 section, and shall resume the first week following the end of the
28 federal program.

29 (g) The amendments in chapter 316, Laws of 1993 affecting
30 subsection (3)(b) and (c) of this section shall apply in the case of
31 all individuals determined to be monetarily eligible under this section
32 without regard to the date eligibility was determined.

33 (4) An additional benefit eligibility period is established for any
34 exhaustee who:

35 (a)(i) At the time of last separation from employment resides in a
36 county with an unemployment rate for 1996 at least twenty percent or
37 more above the state average and at least fifteen percent above their
38 own county unemployment rate in 1988 and the county meets one of the
39 following two criteria:

1 (A) It is a county with a lumber and woods products employment
2 quotient at least three times the state average and has experienced
3 actual job losses in these industries since 1988 of one hundred jobs or
4 more or fifty or more jobs in a county with a population of forty
5 thousand or less; or

6 (B) It is a county with a commercial salmon fishing employment
7 quotient at least three times the state average and has experienced
8 actual job losses in this industry since 1988 of one hundred jobs or
9 more or fifty or more jobs in a county with a population of forty
10 thousand or less; and

11 (I) The exhaustee has during his or her base year earned wages of
12 at least one thousand hours; and

13 (II) The exhaustee is determined by the employment security
14 department in consultation with its labor market and economic analysis
15 division to be a displaced worker; or

16 (ii) During his or her base year, earned wages in at least one
17 thousand hours in either the forest products industry, which shall be
18 determined by the department but shall include the industries assigned
19 the major group standard industrial classification codes "24" and "26"
20 and the industries involved in the harvesting and management of logs,
21 transportation of logs and wood products, processing of wood products,
22 and the manufacturing and distribution of wood processing and logging
23 equipment or the fishing industry assigned the standard industrial
24 classification code "0912". The commissioner may adopt rules further
25 interpreting the industries covered under this subsection. For the
26 purposes of this subsection, "standard industrial classification code"
27 means the code identified in RCW 50.29.025(6)(c); and

28 (b)(i) Has received notice of termination or layoff; and

29 (ii) Is unlikely, in the determination of the employment security
30 department in consultation with its labor market and economic analysis
31 division, to return to employment in his or her principal occupation or
32 previous industry because of a diminishing demand within his or her
33 labor market for his or her skills in the occupation or industry; and

34 (c)(i) Is notified by the department of the requirements of this
35 section and develops an individual training program that is submitted
36 to the commissioner for approval not later than sixty days after the
37 individual is notified of the requirements of this section, and enters
38 the approved training program not later than ninety days after the date
39 of the individual's termination or layoff, or ninety days after July 1,

1 1991, whichever is later, unless the department determines that the
2 training is not available during the ninety-day period, in which case
3 the individual shall enter training as soon as it is available; or

4 (ii) Is enrolled in training approved under this section on a full-
5 time basis and maintains satisfactory progress in the training. By
6 April 1, 1998, the employment security department must redetermine a
7 new list of eligible and ineligible counties based on a comparison of
8 1988 and 1997 employment rates. Any changed eligibility status will
9 apply only to new claims for regular unemployment insurance effective
10 after April 1, 1998.

11 (5) For the purposes of this section:

12 (a) "Training program" means:

13 (i) A remedial education program determined to be necessary after
14 counseling at the educational institution in which the individual
15 enrolls pursuant to his or her approved training program; or

16 (ii) A vocational training program at an educational institution
17 that:

18 (A) Is training for a labor demand occupation; and

19 (B) Is likely to facilitate a substantial enhancement of the
20 individual's marketable skills and earning power.

21 (b) "Educational institution" means an institution of higher
22 education as defined in RCW 28B.10.016 or an educational institution as
23 defined in RCW 28C.04.410(3).

24 (c) "Training allowance or stipend" means discretionary use, cash-
25 in-hand payments available to the individual to be used as the
26 individual sees fit, but does not mean direct or indirect compensation
27 for training costs, such as tuition or books and supplies.

28 (6) The commissioner shall adopt rules as necessary to implement
29 this section.

30 (7) The provisions of RCW 50.22.010(10) shall not apply to anyone
31 who establishes eligibility for additional benefits under this section
32 and whose benefit year ends after January 1, 1994. These individuals
33 will have the option of remaining on the original claim or filing a new
34 claim.

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