
SENATE BILL 5819

State of Washington

56th Legislature

1999 Regular Session

By Senators Shin, Costa and Eide; by request of Governor Locke

Read first time 02/10/1999. Referred to Committee on Labor & Workforce Development.

1 AN ACT Relating to additional unemployment benefits; amending RCW
2 50.22.090 and 50.29.020; 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 50.22.090 and 1997 c 367 s 4 are each amended to read
6 as follows:

7 (1) An additional benefit period is established for (~~rural natural~~
8 ~~resources impact areas, defined in this section, and determined by the~~
9 ~~office of financial management and the employment security department~~)
10 aerospace workers, timber workers, and fin fishers, and for other
11 dislocated workers defined RCW 50.04.075. Benefits shall be paid as
12 provided in subsection (3) of this section to exhaustees eligible under
13 subsection (4) of this section.

14 (2) The additional benefit period for (~~a county~~) this program may
15 end no sooner than fifty-two weeks after the additional benefit period
16 begins.

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

18 (a) (~~No new claims for additional benefits shall be accepted for~~
19 ~~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 weekly benefit amount, reduced by the total
5 amount of regular benefits and extended benefits paid, or deemed paid,
6 with respect to the benefit year for aerospace workers, timber workers,
7 and fin fishers. For other dislocated workers as defined in RCW
8 50.04.075, the total additional benefit amount shall be fifty-two times
9 the individual's weekly benefit amount, reduced by the total amount of
10 regular benefits and extended benefits paid, or deemed paid, with
11 respect to the benefit year. Additional benefits shall not be payable
12 for weeks more than two years beyond the end of the benefit year of the
13 regular claim ((for an individual whose benefit year ends on or after
14 July 27, 1991, and shall not be payable for weeks ending on or after
15 two years after March 26, 1992, for individuals who become eligible as
16 a result of chapter 47, Laws of 1992.

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

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

25 (e)) (b) The weekly benefit amount shall be calculated as
26 specified in RCW 50.22.040.

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

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

38 (4) An additional benefit eligibility period is established for any
39 exhaustee who:

1 (a)(i) (~~At the time of last separation from employment resides in~~
2 ~~a county with an unemployment rate for 1996 at least twenty percent or~~
3 ~~more above the state average and at least fifteen percent above their~~
4 ~~own county unemployment rate in 1988 and the county meets one of the~~
5 ~~following two criteria:~~

6 (A) ~~It is a county with a lumber and woods products employment~~
7 ~~quotient at least three times the state average and has experienced~~
8 ~~actual job losses in these industries 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; or~~

11 (B) ~~It is a county with a commercial salmon fishing employment~~
12 ~~quotient at least three times the state average and has experienced~~
13 ~~actual job losses in this industry since 1988 of one hundred jobs or~~
14 ~~more or fifty or more jobs in a county with a population of forty~~
15 ~~thousand or less; and~~

16 (I) ~~The exhaustee~~) ~~Has during his or her base year earned wages of~~
17 ~~at least ((one thousand)) six hundred eighty hours((; and~~

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

21 (ii) ~~During his or her base year, earned wages in at least one~~
22 ~~thousand hours)) in ((either)) the aerospace industry assigned the
23 standard industrial classification code "372," the forest products
24 industry, which shall be determined by the department but shall include
25 the industries assigned the major group standard industrial
26 classification codes "24" and "26" and the industries involved in the
27 harvesting and management of logs, transportation of logs and wood
28 products, processing of wood products, and the manufacturing and
29 distribution of wood processing and logging equipment or the fishing
30 industry assigned the standard industrial classification code "0912".
31 The commissioner may adopt rules further interpreting the industries
32 covered under this subsection. For the purposes of this subsection,
33 "standard industrial classification code" means the code identified in
34 RCW 50.29.025(6)(c); ((and~~

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

36 (ii) Is determined to be a displaced worker as defined in RCW
37 50.04.075; or

38 (iii) Is unlikely, in the determination of the employment security
39 department in consultation with its labor market and economic analysis

1 division, to return to employment in his or her principal occupation or
2 previous industry because of a diminishing demand within his or her
3 labor market for his or her skills in the occupation or industry; and

4 ~~((e))~~ (b)(i) Is notified by the department of the requirements of
5 this section and develops an individual training program that is
6 submitted to the commissioner for approval not later than sixty days
7 after the individual is notified of the requirements of this section,
8 and enters the approved training program not later than ninety days
9 after the date of ~~((the individual's termination or layoff, or ninety
10 days after July 1, 1991, whichever is later))~~ notification, unless the
11 department determines that the training is not available during the
12 ninety-day period, in which case the individual shall enter training as
13 soon as it is available; or

14 (ii) Is enrolled in training approved under this section on a full-
15 time basis and maintains satisfactory progress in the training. ~~((By
16 April 1, 1998, the employment security department must redetermine a
17 new list of eligible and ineligible counties based on a comparison of
18 1988 and 1997 employment rates. Any changed eligibility status will
19 apply only to new claims for regular unemployment insurance effective
20 after April 1, 1998.))~~

21 (5) For the purposes of this section:

22 (a) "Training program" means:

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

26 (ii) A vocational training program at an educational institution
27 that:

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

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

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

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

38 (6) The commissioner shall adopt rules as necessary to implement
39 this section.

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

6 (8) All base year employers will be considered interested parties
7 as specified in RCW 50.20.180 which gives them the right to appeal the
8 granting of additional benefits.

9 **Sec. 2.** RCW 50.29.020 and 1995 c 57 s 3 are each amended to read
10 as follows:

11 (1) An experience rating account shall be established and
12 maintained for each employer, except employers as described in RCW
13 50.44.010 and 50.44.030 who have properly elected to make payments in
14 lieu of contributions, taxable local government employers as described
15 in RCW 50.44.035, and those employers who are required to make payments
16 in lieu of contributions, based on existing records of the employment
17 security department. Benefits paid to any eligible individuals shall
18 be charged to the experience rating accounts of each of such
19 individual's employers during the individual's base year in the same
20 ratio that the wages paid by each employer to the individual during the
21 base year bear to the wages paid by all employers to that individual
22 during that base year, except as otherwise provided in this section.

23 (2) The legislature finds that certain benefit payments, in whole
24 or in part, should not be charged to the experience rating accounts of
25 employers except those employers described in RCW 50.44.010 and
26 50.44.030 who have properly elected to make payments in lieu of
27 contributions, taxable local government employers described in RCW
28 50.44.035, and those employers who are required to make payments in
29 lieu of contributions, as follows:

30 (a) Benefits paid to any individuals later determined to be
31 ineligible shall not be charged to the experience rating account of any
32 contribution paying employer.

33 (b) Benefits paid to an individual filing under the provisions of
34 chapter 50.06 RCW shall not be charged to the experience rating account
35 of any contribution paying employer only if:

36 (i) The individual files under RCW 50.06.020(1) after receiving
37 crime victims' compensation for a disability resulting from a nonwork-
38 related occurrence; or

1 (ii) The individual files under RCW 50.06.020(2).

2 (c) Benefits paid which represent the state's share of benefits
3 payable under (~~chapter 50.22~~) RCW 50.22.010(6) shall not be charged
4 to the experience rating account of any contribution paying employer.

5 (d) In the case of individuals who requalify for benefits under RCW
6 50.20.050 or 50.20.060, benefits based on wage credits earned prior to
7 the disqualifying separation shall not be charged to the experience
8 rating account of the contribution paying employer from whom that
9 separation took place.

10 (e) In the case of individuals identified under RCW 50.20.015,
11 benefits paid with respect to a calendar quarter, which exceed the
12 total amount of wages earned in the state of Washington in the higher
13 of two corresponding calendar quarters included within the individual's
14 determination period, as defined in RCW 50.20.015, shall not be charged
15 to the experience rating account of any contribution paying employer.

16 (3)(a) Beginning July 1, 1985, a contribution-paying base year
17 employer, not otherwise eligible for relief of charges for benefits
18 under this section, may receive such relief if the benefit charges
19 result from payment to an individual who:

20 (i) Last left the employ of such employer voluntarily for reasons
21 not attributable to the employer;

22 (ii) Was discharged for misconduct connected with his or her work
23 not a result of inability to meet the minimum job requirements;

24 (iii) Is unemployed as a result of closure or severe curtailment of
25 operation at the employer's plant, building, work site, or other
26 facility. This closure must be for reasons directly attributable to a
27 catastrophic occurrence such as fire, flood, or other natural disaster;
28 or

29 (iv) Continues to be employed on a regularly scheduled permanent
30 part-time basis by a base year employer and who at some time during the
31 base year was concurrently employed and subsequently separated from at
32 least one other base year employer. Benefit charge relief ceases when
33 the employment relationship between the employer requesting relief and
34 the claimant is terminated. This subsection does not apply to shared
35 work employers under chapter 50.60 RCW.

36 (b) The employer requesting relief of charges under this subsection
37 must request relief in writing within thirty days following mailing to
38 the last known address of the notification of the valid initial
39 determination of such claim, stating the date and reason for the

1 separation or the circumstances of continued employment. The
2 commissioner, upon investigation of the request, shall determine
3 whether relief should be granted.

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

14 NEW SECTION. **Sec. 4.** This act is necessary for the immediate
15 preservation of the public peace, health, or safety, or support of the
16 state government and its existing public institutions, and takes effect
17 immediately.

--- END ---