

1 **HB 2901** - H AMD TO H AMD (H4760.7) **0511 FAILED 3-11-02**

2 By Representative \_\_\_\_

3 On page

4 On page 8, after line 9, insert the following:

5 "Sec. 5. RCW 50.20.170 and 1945 c 35 s 85 are each amended to  
6 read as follows:

7 (1)(a) Subject to (b) of this subsection, an individual who has  
8 received an initial determination finding that he or she is potentially  
9 entitled to receive waiting period credit or benefits shall, during the  
10 benefit year, be given waiting period credit or be paid benefits in  
11 accordance with such initial determination for any week with respect to  
12 which the conditions of eligibility for such credit or benefits, as  
13 prescribed by this title, are met, unless the individual is denied  
14 waiting period credit or benefits under the disqualification provisions  
15 of this title.

16 (b) An individual who has received an initial determination under  
17 (a) of this subsection must be notified in writing that he or she is  
18 entitled to a redetermination of the amount of benefits payable if he  
19 or she has taken unpaid family and medical leave totaling six or more  
20 weeks, whether taken consecutively or intermittently, during his or her  
21 base year and if the claim equals less than thirty times the weekly  
22 benefit amount. The notice must describe the method by which the  
23 claimant may request a redetermination under this subsection. If the  
24 notified claimant requests the redetermination, the department must  
25 reevaluate the claimant's base year as provided in RCW 50.04.020(2)(b).

26 (2) All benefits shall be paid through employment offices in  
27 accordance with such regulations as the commissioner may prescribe.

28 **Sec. 6.** RCW 50.04.020 and 1994 c 3 s 1 are each amended to read  
29 as follows:

30 (1) "Base year" with respect to each individual, shall mean  
31 ((either)) the first four of the last five completed calendar quarters  
32 ((or)), the last four completed calendar quarters immediately preceding  
33 the first day of the individual's benefit year, or, if applicable under  
34 subsection (2) of this section, an additional base year.

1           (2)(a) Except as provided in (b) of this subsection, for the  
2 purposes of establishing a benefit year, the department shall initially  
3 use the first four of the last five completed calendar quarters as the  
4 base year. If a benefit year is not established using the first four  
5 of the last five calendar quarters as the base year, the department  
6 shall use the last four completed calendar quarters as the base year.

7           (b) If a claimant requests a redetermination under RCW  
8 50.20.170(1)(b), the department shall evaluate an additional base year,  
9 using the four quarters with the highest wages in the last six  
10 completed calendar quarters. The base year, for the purposes of  
11 establishing the claimant's benefit year, must be either the base year  
12 initially used under (a) of this subsection or the additional base year  
13 used under this subsection, whichever base year entitles the claimant  
14 to the higher maximum benefits under RCW 50.20.120(1). However, any  
15 benefit year established under this subsection may not use calendar  
16 quarters that were previously used to establish a prior benefit year.

17           (3) Computations using the last four completed calendar quarters  
18 shall be based on available wage items processed as of the close of  
19 business on the day preceding the date of application. The department  
20 shall promptly contact employers to request assistance in obtaining  
21 wage information for the last completed calendar quarter if it has not  
22 been reported at the time of initial application.

23           NEW SECTION. Sec. 7. A new section is added to chapter 50.04 RCW  
24 to read as follows:

25           "Family and medical leave" means leave taken under either the  
26 federal family and medical leave act of 1993 (Act of Feb. 5, 1993, P.L.  
27 103-3, 107 Stat. 6) or the state family leave law, chapter 49.78 RCW."

28           Renumber the remaining sections and correct internal references  
29 accordingly.

30           On page 24, line 32, after "(1)" strike "Section 3 of this act  
31 applies" and insert "Sections 3, 5, and 6 of this act apply"

32           Correct the title.

**EFFECT:** Provides that, if an unemployment claimant has taken  
unpaid family and medical leave in his or her base year, the

claimant may request a redetermination of unemployment benefits. Requires the department, upon request, to evaluate an additional base year, using the four calendar quarters with the highest wages in the last six completed quarters. Also requires the department to use the base year that will give the claimant the most potential weeks of benefits. Defines "family and medical leave" as family leave taken under the federal Family and Medical Leave Act or the state family leave law. Makes these new provisions applicable to unemployment claims that are effective on or after July 7, 2002.