
HOUSE BILL 2302

State of Washington

57th Legislature

2002 Regular Session

By Representatives Conway, Wood, Kenney and Edwards; by request of
Employment Security Department

Read first time 01/14/2002. Referred to Committee on Commerce & Labor.

1 AN ACT Relating to application methods for unemployment insurance
2 temporary total disability determinations; and amending RCW 50.06.030.

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

4 **Sec. 1.** RCW 50.06.030 and 1993 c 483 s 5 are each amended to read
5 as follows:

6 (1) In the case of individuals eligible under RCW 50.06.020(1), an
7 application for initial determination made pursuant to this chapter, to
8 be considered timely, must be filed in (~~writing with the employment~~
9 ~~security department~~) accordance with RCW 50.20.140 within twenty-six
10 weeks following the week in which the period of temporary total
11 disability commenced. Notice from the department of labor and
12 industries shall satisfy this requirement. The records of the agency
13 supervising the award of compensation shall be conclusive evidence of
14 the fact of temporary disability and the beginning date of such
15 disability.

16 (2) In the case of individuals eligible under RCW 50.06.020(2), an
17 application for initial determination must be filed in (~~writing with~~
18 ~~the employment security department~~) accordance with RCW 50.20.140
19 within twenty-six weeks following the week in which the period of

1 temporary total physical disability commenced. This filing requirement
2 is satisfied by filing a signed statement from the attending physician
3 stating the date that the disability commenced and stating that the
4 individual was unable to reenter the work force during the time of the
5 disability. The department may examine any medical information related
6 to the disability. If the claim is appealed, a base year employer may
7 examine the medical information related to the disability and require,
8 at the employer's expense, that the individual obtain the opinion of a
9 second health care provider selected by the employer concerning any
10 information related to the disability.

11 (3) The employment security department shall process and issue an
12 initial determination of entitlement or nonentitlement as the case may
13 be.

14 (4) For the purpose of this chapter, a special base year is
15 established for an individual consisting of either the first four of
16 the last five completed calendar quarters or the last four completed
17 calendar quarters immediately prior to the first day of the calendar
18 week in which the individual's temporary total disability commenced,
19 and a special individual benefit year is established consisting of the
20 entire period of disability and a fifty-two consecutive week period
21 commencing with the first day of the calendar week immediately
22 following the week or part thereof with respect to which the individual
23 received his final temporary total disability compensation under the
24 applicable industrial insurance or crime victims compensation laws, or
25 the week in which the individual reentered the work force after an
26 absence under subsection (2) of this section, as applicable, except
27 that no special benefit year shall have a duration in excess of three
28 hundred twelve calendar weeks: PROVIDED HOWEVER, That such special
29 benefit year will not be established unless the criteria contained in
30 RCW 50.04.030 has been met, except that an individual meeting the
31 eligibility requirements of this chapter and who has an unexpired
32 benefit year established which would overlap the special benefit year
33 provided by this chapter, notwithstanding the provisions in RCW
34 50.04.030 relating to the establishment of a subsequent benefit year
35 and RCW 50.40.010 relating to waiver of rights, may elect to establish
36 a special benefit year under this chapter: PROVIDED FURTHER, that the
37 unexpired benefit year shall be terminated with the beginning of the
38 special benefit year if the individual elects to establish such special
39 benefit year.

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

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