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**SUBSTITUTE HOUSE BILL 2355**

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**State of Washington**

**57th Legislature**

**2002 Regular Session**

**By** House Committee on Commerce & Labor (originally sponsored by Representatives Kagi, Conway, Clements, Dickerson, McIntire and Wood)

Read first time 02/08/2002. Referred to Committee on .

1 AN ACT Relating to unemployment compensation payable to individuals  
2 who took family and medical leave; amending RCW 50.20.170 and  
3 50.04.020; adding a new section to chapter 50.04 RCW; and creating new  
4 sections.

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

6 NEW SECTION. **Sec. 1.** The legislature finds that family and  
7 medical leave is designed to help working people fulfill both their  
8 work and family responsibilities. The legislature also finds that,  
9 when an individual who takes family and medical leave subsequently  
10 becomes eligible to receive unemployment compensation, the maximum  
11 benefits payable to the individual are decreased and the weekly benefit  
12 amount payable to the individual may be decreased. The legislature  
13 intends to eliminate these unintended consequences of taking family and  
14 medical leave.

15 **Sec. 2.** RCW 50.20.170 and 1945 c 35 s 85 are each amended to read  
16 as follows:

17 (1)(a) Subject to (b) of this subsection, an individual who has  
18 received an initial determination finding that he is potentially

1 entitled to receive waiting period credit or benefits shall, during the  
2 benefit year, be given waiting period credit or be paid benefits in  
3 accordance with such initial determination for any week with respect to  
4 which the conditions of eligibility for such credit or benefits, as  
5 prescribed by this title, are met, unless the individual is denied  
6 waiting period credit or benefits under the disqualification provisions  
7 of this title.

8 (b) An individual who has received an initial determination under  
9 (a) of this subsection must be notified in writing that if he or she  
10 has taken unpaid family and medical leave of six or more weeks, whether  
11 taken consecutively or intermittently, during his or her base year, the  
12 individual may be entitled to a redetermination of the amount of  
13 benefits payable. The notice must include the method by which the  
14 claimant may request a redetermination under this subsection. If an  
15 eligible claimant requests the redetermination, the department must  
16 reevaluate the claimant's base year as provided in RCW 50.04.020(2)(b).

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

19 **Sec. 3.** RCW 50.04.020 and 1994 c 3 s 1 are each amended to read as  
20 follows:

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

26 (2)(a) Except as provided in (b) of this subsection, for the  
27 purposes of establishing a benefit year, the department shall initially  
28 use the first four of the last five completed calendar quarters as the  
29 base year. If a benefit year is not established using the first four  
30 of the last five calendar quarters as the base year, the department  
31 shall use the last four completed calendar quarters as the base year.

32 (b) If a claimant requests a redetermination under RCW  
33 50.20.170(1)(b), the department shall evaluate an additional base year,  
34 using the four quarters with the highest wages in the last six  
35 completed calendar quarters. The base year, for the purposes of  
36 establishing the claimant's benefit year, must be either the base year  
37 initially used under (a) of this subsection or the additional base year  
38 used under this subsection, whichever base year entitles the claimant

1 to the higher maximum benefits under RCW 50.20.120(1). However, any  
2 benefit year established under this subsection may not use calendar  
3 quarters that were previously used to establish a prior benefit year.

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

10 NEW SECTION. **Sec. 4.** A new section is added to chapter 50.04 RCW  
11 to read as follows:

12 "Family and medical leave" means leave taken under either the  
13 federal family and medical leave act of 1993 (Act of Feb. 5, 1993, P.L.  
14 103-3, 107 Stat. 6) or the state family leave law, chapter 49.78 RCW.

15 NEW SECTION. **Sec. 5.** If any part of this act is found to be in  
16 conflict with federal requirements that are a prescribed condition to  
17 the allocation of federal funds to the state or the eligibility of  
18 employers in this state for federal unemployment tax credits, the  
19 conflicting part of this act is inoperative solely to the extent of the  
20 conflict, and the finding or determination does not affect the  
21 operation of the remainder of this act. Rules adopted under this act  
22 must meet federal requirements that are a necessary condition to the  
23 receipt of federal funds by the state or the granting of federal  
24 unemployment tax credits to employers in this state.

25 NEW SECTION. **Sec. 6.** Sections 2 and 3 of this act apply to claims  
26 that are effective on or after July 7, 2002.

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