
HOUSE BILL 2355

State of Washington 57th Legislature 2002 Regular Session

By Representatives Kagi, Conway, Clements, Dickerson, McIntire and Wood

Read first time 01/15/2002. Referred to Committee on Commerce & Labor.

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

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 50.04.020 and 1994 c 3 s 1 are each amended to read as
16 follows:

17 (1) "Base year" with respect to each individual, shall mean either
18 the first four of the last five completed calendar quarters or the last

1 four completed calendar quarters immediately preceding the first day of
2 the individual's benefit year.

3 (2) For the purposes of establishing a benefit year, the department
4 shall initially use the first four of the last five completed calendar
5 quarters as the base year. If a benefit year is not established using
6 the first four of the last five calendar quarters as the base year, the
7 department shall use the last four completed calendar quarters as the
8 base year. At the request of an individual who took family and medical
9 leave in one or more calendar quarters in the base year, the department
10 shall use the following four calendar quarters as the base year: The
11 calendar quarters in the base year in which the individual did not take
12 family and medical leave; and the calendar quarters immediately
13 preceding the base year in which the individual did not take family and
14 medical leave. The department shall not use any calendar quarters in
15 which the individual took family and medical leave.

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

22 NEW SECTION. Sec. 3. A new section is added to chapter 50.04 RCW
23 to read as follows:

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

27 NEW SECTION. Sec. 4. If any part of this act is found to be in
28 conflict with federal requirements that are a prescribed condition to
29 the allocation of federal funds to the state or the eligibility of
30 employers in this state for federal unemployment tax credits, the
31 conflicting part of this act is inoperative solely to the extent of the
32 conflict, and the finding or determination does not affect the
33 operation of the remainder of this act. Rules adopted under this act
34 must meet federal requirements that are a necessary condition to the
35 receipt of federal funds by the state or the granting of federal
36 unemployment tax credits to employers in this state.

1 NEW SECTION. **Sec. 5.** This act takes effect July 2, 2002, for new
2 claims filed after July 1, 2002.

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