
HOUSE BILL 1833

State of Washington

58th Legislature

2003 Regular Session

By Representatives Kagi, Conway and Simpson

Read first time 02/11/2003. 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 50.20.170 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 or she 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 he or she is
10 entitled to a redetermination of the amount of benefits payable if he
11 or she has taken unpaid family and medical leave totaling six or more
12 weeks, whether taken consecutively or intermittently, during his or her
13 base year and if the claim equals less than thirty times the weekly
14 benefit amount. The notice must describe the method by which the
15 claimant may request a redetermination under this subsection. If the
16 notified claimant requests the redetermination, the department must
17 reevaluate the claimant's base year as provided in RCW 50.04.020(2)(b).

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

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

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

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

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

1 initially used under (a) of this subsection or the additional base year
2 used under this subsection, whichever base year entitles the claimant
3 to the higher maximum benefits under RCW 50.20.120(1). However, any
4 benefit year established under this subsection may not use calendar
5 quarters that were previously used to establish a prior benefit year.

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

12 NEW SECTION. Sec. 4. A new section is added to chapter 50.04 RCW
13 to read as follows:

14 "Family and medical leave" means leave taken under either the
15 federal family and medical leave act of 1993 (Act of Feb. 5, 1993, P.L.
16 103-3, 107 Stat. 6) or the state family leave law, chapter 49.78 RCW.

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

27 NEW SECTION. Sec. 6. Sections 2 and 3 of this act apply to claims
28 that have an effective date on or after July 6, 2003.

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