
HOUSE BILL 3160

State of Washington 58th Legislature 2004 Regular Session

By Representatives Conway, Ruderman, Simpson, G., Chase and Santos

Read first time 01/30/2004. Referred to Committee on Commerce & Labor.

1 AN ACT Relating to allowing unemployment benefits to workers in a
2 labor dispute; amending RCW 50.20.090; creating new sections; and
3 declaring an emergency.

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

5 **Sec. 1.** RCW 50.20.090 and 1988 c 83 s 1 are each amended to read
6 as follows:

7 (1) An individual shall be disqualified for benefits for any week
8 with respect to which the commissioner finds that the individual's
9 unemployment is:

10 (a) Due to a strike at the factory, establishment, or other
11 premises at which the individual is or was last employed; or

12 (b) Due to a lockout by his or her employer who is a member of a
13 multi-employer bargaining unit and who has locked out the employees at
14 the factory, establishment, or other premises at which the individual
15 is or was last employed after one member of the multi-employer
16 bargaining unit has been struck by its employees as a result of the
17 multi-employer bargaining process.

18 (2) Subsection (1) of this section shall not apply if it is shown
19 to the satisfaction of the commissioner that:

1 (a)(i) The individual is not participating in or financing or
2 directly interested in the strike or lockout that caused the
3 individual's unemployment; and

4 ((+b+)) (ii) The individual does not belong to a grade or class of
5 workers of which, immediately before the commencement of the strike or
6 lockout, there were members employed at the premises at which the
7 strike or lockout occurs, any of whom are participating in or financing
8 or directly interested in the strike or lockout: PROVIDED, That if in
9 any case separate branches of work which are commonly conducted as
10 separate businesses in separate premises are conducted in separate
11 departments of the same premises, each such department shall, for the
12 purpose of this subdivision, be deemed to be a separate factory,
13 establishment, or other premises.

14 (b)(i) The individual is participating in a strike, or is locked
15 out by the employer, in a labor dispute with an employer who is a
16 member of a multiemployer bargaining unit; and

17 (ii) The labor dispute arose from contract negotiations in which
18 the employer's last offer prior to the commencement of the strike or
19 lockout included provisions that would, if implemented, result in a
20 substantial deterioration of the individual's working conditions.

21 (3) Any disqualification imposed under this section shall end when
22 the strike or lockout is terminated.

23 NEW SECTION. Sec. 2. If any part of this act is found to be in
24 conflict with federal requirements that are a prescribed condition to
25 the allocation of federal funds to the state or the eligibility of
26 employers in this state for federal unemployment tax credits, the
27 conflicting part of this act is inoperative solely to the extent of the
28 conflict, and the finding or determination does not affect the
29 operation of the remainder of this act. Rules adopted under this act
30 must meet federal requirements that are a necessary condition to the
31 receipt of federal funds by the state or the granting of federal
32 unemployment tax credits to employers in this state.

33 NEW SECTION. Sec. 3. This act applies to weeks of unemployment
34 that begin on or after the first Sunday after the effective date of
35 this section.

1 NEW SECTION. **Sec. 4.** This act is necessary for the immediate
2 preservation of the public peace, health, or safety, or support of the
3 state government and its existing public institutions, and takes effect
4 immediately.

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