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HOUSE BILL 2665

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State of Washington                      60th Legislature                      2008 Regular Session

By Representatives Dickerson, Conway, Hasegawa, Williams, Chase,  
Moeller, Simpson, and Darneille

Read first time 01/15/08. Referred to Committee on Commerce & Labor.

1            AN ACT Relating to implementing the recommendations of the joint  
2 legislative task force on family leave insurance; amending RCW  
3 49.86.010, 49.86.020, 49.86.030, 49.86.050, 49.86.060, 49.86.070,  
4 49.86.090, 49.86.110, 49.86.120, 49.86.160, 49.86.170, 49.86.190,  
5 49.86.210, 49.86.080, and 50.29.021; adding a new section to chapter  
6 49.86 RCW; creating new sections; and providing an effective date.

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

8            **Sec. 1.** RCW 49.86.010 and 2007 c 357 s 3 are each amended to read  
9 as follows:

10            The definitions in this section apply throughout this chapter  
11 unless the context clearly requires otherwise.

12            (1) "Application year" means the twelve-month period beginning on  
13 the first day of the calendar week in which an individual files an  
14 application for family leave insurance benefits and, thereafter, the  
15 twelve-month period beginning with the first day of the calendar week  
16 in which the individual next files an application for family leave  
17 insurance benefits after the expiration of the individual's last  
18 preceding application year.

19            (2) "Calendar quarter" means the same as in RCW 50.04.050.

1 (3) "Child" means a biological or an adopted child.

2 (4) "Commissioner" means the commissioner of the department.

3 (5) "Department" means the ((state agency to be directed to  
4 administer the family leave insurance program)) employment security  
5 department.

6 ((~~(5) "Director" means the director of the department.~~))

7 (6) "Employer" means: (a) The same as in RCW 50.04.080; and (b)  
8 the state and its political subdivisions.

9 (7) "Employment" has the meaning provided in RCW 50.04.100.

10 (8) "Family leave" means leave: (a) Because of the birth of a  
11 child of the employee and in order to care for the child; or (b)  
12 because of the placement of a child with the employee for adoption.

13 (9) "Family leave insurance benefits" means the benefits payable  
14 under RCW 49.86.050 and 49.86.060.

15 (10) "Federal family and medical leave act" means the federal  
16 family and medical leave act of 1993 (Act Feb. 5, 1993, P.L. 103-3, 107  
17 Stat. 6).

18 (11) "Qualifying year" means the first four of the last five  
19 completed calendar quarters or the last four completed calendar  
20 quarters immediately preceding the first day of the individual's  
21 application year.

22 (12) "Regularly working" means the average number of hours per  
23 workweek that an individual worked in the two quarters of the  
24 individual's qualifying year in which total wages were highest.

25 **Sec. 2.** RCW 49.86.020 and 2007 c 357 s 4 are each amended to read  
26 as follows:

27 (1) The department shall establish and administer a family leave  
28 insurance program and pay family leave insurance benefits as specified  
29 in this chapter.

30 (2) The department shall establish procedures and forms for filing  
31 claims for benefits under this chapter. The department shall notify  
32 the employer within five business days of a claim being filed under RCW  
33 49.86.030.

34 (3) The department shall use information sharing and integration  
35 technology to facilitate the disclosure of relevant information or  
36 records by the ((~~employment security~~)) department, so long as an

1 individual consents to the disclosure as required under RCW  
2 49.86.030(4).

3 (4) Information contained in the files and records pertaining to an  
4 individual under this chapter are confidential and not open to public  
5 inspection, other than to public employees in the performance of their  
6 official duties. However, the individual or an authorized  
7 representative of an individual may review the records or receive  
8 specific information from the records on the presentation of the signed  
9 authorization of the individual. An employer or the employer's duly  
10 authorized representative may review the records of an individual  
11 employed by the employer in connection with a pending claim. At the  
12 department's discretion, other persons may review records when such  
13 persons are rendering assistance to the department at any stage of the  
14 proceedings on any matter pertaining to the administration of this  
15 chapter.

16 (5) The department shall develop and implement an outreach program  
17 to ensure that individuals who may be eligible to receive family leave  
18 insurance benefits under this chapter are made aware of these benefits.  
19 Outreach information shall explain, in an easy to understand format,  
20 eligibility requirements, the claims process, weekly benefit amounts,  
21 maximum benefits payable, notice requirements, reinstatement and  
22 nondiscrimination rights, confidentiality, and coordination of leave  
23 under this chapter and other laws, collective bargaining agreements,  
24 and employer policies. Outreach information shall be available in  
25 English and other primary languages as defined in RCW 74.04.025.

26 **Sec. 3.** RCW 49.86.030 and 2007 c 357 s 5 are each amended to read  
27 as follows:

28 Beginning October 1, 2009, family leave insurance benefits are  
29 payable to an individual during a period in which the individual is  
30 unable to perform his or her regular or customary work because he or  
31 she is on family leave if the individual:

32 (1) Files a claim for benefits (~~((in each week in which the~~  
33 ~~individual is on family leave, and))~~) as required by rules adopted by  
34 the (~~(director)~~) commissioner;

35 (2) Has been employed for at least six hundred eighty hours in  
36 employment during the individual's qualifying year;

1 (3) Establishes an application year. An application year may not  
2 be established if the qualifying year includes hours worked before  
3 establishment of a previous application year;

4 (4) Consents to the disclosure of information or records deemed  
5 private and confidential under chapter 50.13 RCW. Initial disclosure  
6 of this information and these records by the (~~employment security~~)  
7 department to the department is solely for purposes related to the  
8 administration of this chapter. Further disclosure of this information  
9 or these records is subject to RCW 49.86.020(3);

10 (5) Discloses whether or not he or she owes child support  
11 obligations as defined in RCW 50.40.050; and

12 (6) (~~Documents~~) Attests that he or she has provided the employer  
13 from whom family leave is to be taken with written notice of the  
14 individual's intention to take family leave in the same manner as an  
15 employee is required to provide notice in RCW 49.78.250.

16 **Sec. 4.** RCW 49.86.050 and 2007 c 357 s 7 are each amended to read  
17 as follows:

18 (1) The maximum number of weeks during which family leave insurance  
19 benefits are payable in an application year is five weeks. However,  
20 benefits are not payable during a waiting period consisting of the  
21 first seven calendar days of family leave taken in an application year,  
22 whether the first seven calendar days of family leave are employer paid  
23 or unpaid.

24 (2)(a) The first payment of benefits must be made to an individual  
25 within two weeks after the claim is filed or the family leave began,  
26 whichever is later, and subsequent payments must be made semimonthly  
27 thereafter.

28 (b) The payment of benefits under this chapter shall not be  
29 considered a binding determination of the obligations of the department  
30 under this chapter. The acceptance of compensation by the individual  
31 shall likewise not be considered a binding determination of his or her  
32 rights under this chapter. Whenever any payment of benefits under this  
33 chapter has been made and timely appeal therefrom has been made where  
34 the final decision is that the payment was improper, the individual  
35 shall repay it and recoupment may be made from any future payment due  
36 to the individual on any claim under this chapter. The (~~director~~)

1 commissioner may exercise his or her discretion to waive, in whole or  
2 in part, the amount of any such payments where the recovery would be  
3 against equity and good conscience.

4 (c) If an individual dies before he or she receives a payment of  
5 benefits, the payment shall be made by the department and distributed  
6 consistent with the terms of the decedent's will or, if the decedent  
7 dies intestate, consistent with the terms of RCW 11.04.015.

8 **Sec. 5.** RCW 49.86.060 and 2007 c 357 s 8 are each amended to read  
9 as follows:

10 The amount of family leave insurance benefits shall be determined  
11 as follows:

12 (1) The weekly benefit shall be two hundred fifty dollars per week  
13 for an individual who at the time of beginning family leave was  
14 regularly working thirty-five hours or more per week.

15 (2) If an individual who at the time of beginning family leave was  
16 regularly working thirty-five hours or more per week is on family leave  
17 for less than thirty-five hours but at least eight hours in a week, the  
18 individual's weekly benefit shall be .025 times the maximum weekly  
19 benefit times the number of hours of family leave taken in the week.  
20 Benefits are not payable for less than eight hours of family leave  
21 taken in a week.

22 (3) For an individual who at the time of beginning family leave was  
23 regularly working less than thirty-five hours per week, the department  
24 shall calculate a prorated schedule for a weekly benefit amount and a  
25 minimum number of hours of family leave that must be taken in a week  
26 for benefits to be payable, with the prorated schedule based on the  
27 amounts and the calculations specified under subsections (1) and (2) of  
28 this section.

29 (4) If an individual discloses that he or she owes child support  
30 obligations under RCW 49.86.030 and the department determines that the  
31 individual is eligible for benefits, the department shall notify the  
32 applicable state or local child support enforcement agency and deduct  
33 and withhold an amount from benefits in a manner consistent with RCW  
34 50.40.050.

35 ~~((5) If the internal revenue service determines that family leave~~  
36 ~~insurance benefits under this chapter are subject to federal income tax~~  
37 ~~and an individual elects to have federal income tax deducted and~~

1 ~~withheld from benefits, the department shall deduct and withhold the~~  
2 ~~amount specified in the federal internal revenue code in a manner~~  
3 ~~consistent with RCW 49.86.070.)~~)

4 **Sec. 6.** RCW 49.86.070 and 2007 c 357 s 9 are each amended to read  
5 as follows:

6 ((~~1~~)) If the internal revenue service determines that family  
7 leave insurance benefits under this chapter are subject to federal  
8 income tax, the department must advise an individual filing a ((~~new~~))  
9 claim for family leave insurance benefits, at the time of filing such  
10 claim, that((~~+~~

11 (~~a~~)) the internal revenue service has determined that benefits are  
12 subject to federal income tax((~~+~~

13 (~~b~~)) , and that requirements exist pertaining to estimated tax  
14 payments((~~+~~

15 (~~c~~) ~~The individual may elect to have federal income tax deducted~~  
16 ~~and withheld from the individual's payment of benefits at the amount~~  
17 ~~specified in the federal internal revenue code; and~~

18 (~~d~~) ~~The individual is permitted to change a previously elected~~  
19 ~~withholding status.~~

20 (~~2~~) ~~Amounts deducted and withheld from benefits must remain in the~~  
21 ~~family leave insurance account until transferred to the federal taxing~~  
22 ~~authority as a payment of income tax.~~

23 (~~3~~) ~~The director shall follow all procedures specified by the~~  
24 ~~federal internal revenue service pertaining to the deducting and~~  
25 ~~withholding of income tax)).~~

26 **Sec. 7.** RCW 49.86.090 and 2007 c 357 s 11 are each amended to read  
27 as follows:

28 (1) During a period in which an individual receives family leave  
29 insurance benefits or earns waiting period credits under this chapter,  
30 the individual is entitled to family leave and, at the established  
31 ending date of leave, to be restored to a position of employment with  
32 the employer from whom leave was taken.

33 (2) The individual entitled to leave under this section shall be  
34 restored to a position of employment in the same manner as an employee  
35 entitled to leave under chapter 49.78 RCW is restored to a position of  
36 employment, as specified in RCW 49.78.280.

1 (3) This section applies only to an individual if:

2 (a) The employer from whom the individual takes family leave  
3 employs more than twenty-five employees for each working day during  
4 each of twenty or more calendar workweeks in the current or preceding  
5 calendar year; and

6 (b) The individual has been employed for at least twelve months by  
7 that employer, and for at least one thousand two hundred fifty hours of  
8 service with that employer during the previous twelve-month period.

9 (4) This section does not apply if the employment from which the  
10 individual takes family leave is with a staffing company and the  
11 individual is assigned on a temporary basis to perform work at or  
12 services for another organization to support or supplement the other  
13 organization's workforces, or to provide assistance in special work  
14 situations such as, but not limited to, employee absences, skill  
15 shortages, seasonal workloads, or to perform special assignments or  
16 projects, all under the direction and supervision of the organization  
17 to which the individual is assigned.

18 (5) This section shall be enforced by the department of labor and  
19 industries as provided in chapter 49.78 RCW.

20 **Sec. 8.** RCW 49.86.110 and 2007 c 357 s 13 are each amended to read  
21 as follows:

22 (1) An employer of individuals not covered by this chapter or a  
23 self-employed person, including a sole proprietor, partner, or joint  
24 venturer, may elect coverage under this chapter for all individuals in  
25 its employ for an initial period of not less than three years or a  
26 subsequent period of not less than one year immediately following  
27 another period of coverage. The employer or self-employed person must  
28 file a notice of election in writing with the ((~~director~~))  
29 commissioner, as required by the department. The election becomes  
30 effective on the date of filing the notice.

31 (2) An employer or self-employed person who has elected coverage  
32 may withdraw from coverage within thirty days after the end of the  
33 three-year period of coverage, or at such other times as the  
34 ((~~director~~)) commissioner may prescribe by rule, by filing written  
35 notice with the ((~~director~~)) commissioner, such withdrawal to take  
36 effect not sooner than thirty days after filing the notice. Within

1 five days of filing written notice of the withdrawal with the  
2 ((~~director~~)) commissioner, an employer must provide written notice of  
3 the withdrawal to all individuals in the employer's employ.

4 **Sec. 9.** RCW 49.86.120 and 2007 c 357 s 14 are each amended to read  
5 as follows:

6 (1) A person aggrieved by a decision of the department under this  
7 chapter must file a notice of appeal with the ((~~director~~))  
8 commissioner, by mail or personally, within thirty days after the date  
9 on which a copy of the department's decision was communicated to the  
10 person. Upon receipt of the notice of appeal, the ((~~director~~))  
11 commissioner shall request the assignment of an administrative law  
12 judge in accordance with chapter 34.05 RCW to conduct a hearing and  
13 issue a proposed decision and order. The hearing shall be conducted in  
14 accordance with chapter 34.05 RCW.

15 (2) The administrative law judge's proposed decision and order  
16 shall be final and not subject to further appeal unless, within thirty  
17 days after the decision is communicated to the interested parties, a  
18 party petitions for review by the ((~~director~~)) commissioner. If the  
19 ((~~director's~~)) commissioner's review is timely requested, the  
20 ((~~director~~)) commissioner may order additional evidence by the  
21 administrative law judge. On the basis of the evidence before the  
22 administrative law judge and such additional evidence as the  
23 ((~~director~~)) commissioner may order to be taken, the ((~~director~~))  
24 commissioner shall render a decision affirming, modifying, or setting  
25 aside the administrative law judge's decision. The ((~~director's~~))  
26 commissioner's decision becomes final and not subject to further appeal  
27 unless, within thirty days after the decision is communicated to the  
28 interested parties, a party files a petition for judicial review as  
29 provided in chapter 34.05 RCW. The ((~~director~~)) commissioner is a  
30 party to any judicial action involving the ((~~director's~~))  
31 commissioner's decision and shall be represented in the action by the  
32 attorney general.

33 (3) If, upon ((~~administrative or~~)) judicial review, the final  
34 decision of the department is reversed or modified, ((~~the~~)  
35 ~~administrative law judge or~~) the court in its discretion may award  
36 reasonable attorneys' fees and costs to the prevailing party.



1 Attorneys' fees and costs owed by the department, if any, are payable  
2 from the family leave insurance account.

3 **Sec. 10.** RCW 49.86.160 and 2007 c 357 s 18 are each amended to  
4 read as follows:

5 The ~~((director))~~ commissioner may adopt rules as necessary to  
6 implement this chapter. The director of the department of labor and  
7 industries may adopt rules as necessary to implement RCW 49.86.090. In  
8 adopting rules, the commissioner and the director shall maintain  
9 consistency with the rules adopted to implement the federal family and  
10 medical leave act, and chapter 49.78 RCW, to the extent such rules are  
11 not in conflict with this chapter.

12 **Sec. 11.** RCW 49.86.170 and 2007 c 357 s 19 are each amended to  
13 read as follows:

14 The family leave insurance account is created in the custody of the  
15 state treasurer. Expenditures from the account may be used only for  
16 the purposes of the family leave insurance program. Only the  
17 ~~((director of the department of labor and industries))~~ commissioner or  
18 the ~~((director's))~~ commissioner's designee may authorize expenditures  
19 from the account. The account is subject to the allotment procedures  
20 under chapter 43.88 RCW. An appropriation is required for  
21 administrative expenses, but not for benefit payments.

22 **Sec. 12.** RCW 49.86.190 and 2007 c 357 s 22 are each amended to  
23 read as follows:

24 ~~((If necessary))~~ To ensure that money is available in the family  
25 leave insurance account for the initial administration of the family  
26 leave insurance program, the director of labor and industries may, from  
27 time to time before July 1, ~~((2009))~~ 2008, lend funds from the  
28 supplemental pension fund to the family leave insurance account. The  
29 department of labor and industries shall enter into an interagency  
30 agreement with the employment security department to implement this  
31 loan. These loaned funds may be expended solely by the employment  
32 security department for the initial administration of the program under  
33 this chapter. ~~((The director of labor and industries))~~ As specified in  
34 the interagency agreement, the commissioner shall repay the  
35 supplemental pension fund, plus ~~((its proportionate share of earnings~~

1 ~~from investment of moneys in the supplemental pension fund during the~~  
2 ~~loan period)) interest, from the family leave insurance account~~  
3 ~~((within two years of the date of the loan)). This section expires~~  
4 October 1, 2011.

5 **Sec. 13.** RCW 49.86.210 and 2007 c 357 s 26 are each amended to  
6 read as follows:

7 Beginning September 1, 2010, the department shall report to the  
8 legislature by September 1st of each year on projected and actual  
9 program participation, premium rates, fund balances, benefits paid,  
10 information on program participants, costs of providing benefits, and  
11 outreach efforts.

12 **Sec. 14.** RCW 49.86.080 and 2007 c 357 s 10 are each amended to  
13 read as follows:

14 (1) If family leave insurance benefits are paid erroneously or as  
15 a result of willful misrepresentation, or if a claim for family leave  
16 benefits is rejected after benefits are paid, RCW 51.32.240 shall  
17 apply, except that appeals are governed by RCW 49.86.120, penalties are  
18 paid into the family leave insurance account, and the department shall  
19 seek repayment of benefits from the recipient. The department shall  
20 issue an overpayment assessment setting forth the reasons for and the  
21 amount of the overpayment.

22 (2) Whenever such an overpayment assessment becomes conclusive and  
23 final, the department may file with the superior court clerk of any  
24 county within the state a warrant in the amount of the overpayment  
25 assessment plus a filing fee under RCW 36.18.012(10). However, the  
26 department must first give at least twenty days notice by certified  
27 mail return receipt requested, to the individual's last known address  
28 of the intended action.

29 (a) The clerk of the county where the warrant is filed shall  
30 immediately designate a superior court cause number for the warrant.  
31 The clerk shall cause to be entered in the judgment docket under the  
32 superior court cause number assigned to the warrant the name of the  
33 person or persons mentioned in the warrant, the amount of the  
34 overpayment assessment, and the date when the warrant was filed.

35 (b) The amount of the warrant as docketed shall become a lien upon  
36 the title to, and any interest in, all real and personal property of

1 the person or persons against whom the warrant is issued, the same as  
2 a judgment in a civil case duly docketed in the office of the clerk.  
3 A warrant so docketed shall be sufficient to support the issuance of  
4 writs of execution and writs of garnishment in favor of the state in  
5 the manner provided by law for a civil judgment.

6 (c) A copy of the warrant shall be mailed to the person or persons  
7 mentioned in the warrant by certified mail to the person's last known  
8 address within ten days of its filing with the clerk.

9 NEW SECTION. Sec. 15. A new section is added to chapter 49.86 RCW  
10 to read as follows:

11 The commissioner shall appoint a state advisory committee. The  
12 committee shall aid the commissioner in formulating policies related to  
13 the administration of this chapter and of assuring consistency with  
14 program intent and impartiality and freedom from political influence in  
15 the solution of issues that may arise. The committee shall serve  
16 without compensation. Advisory committee members shall be reimbursed  
17 for travel expenses incurred in accordance with RCW 43.03.050 and  
18 43.03.060.

19 NEW SECTION. Sec. 16. The employment security department shall  
20 conduct a study of the impacts, if any, of the family leave insurance  
21 program on the unemployment compensation system, and options for  
22 mitigating impacts. The department shall report on its study to the  
23 appropriate committees of the legislature by December 1, 2011.

24 **Sec. 17.** RCW 50.29.021 and 2007 c 146 s 2 are each amended to read  
25 as follows:

26 (1) This section applies to benefits charged to the experience  
27 rating accounts of employers for claims that have an effective date on  
28 or after January 4, 2004.

29 (2)(a) An experience rating account shall be established and  
30 maintained for each employer, except employers as described in RCW  
31 50.44.010, 50.44.030, and 50.50.030 who have properly elected to make  
32 payments in lieu of contributions, taxable local government employers  
33 as described in RCW 50.44.035, and those employers who are required to  
34 make payments in lieu of contributions, based on existing records of  
35 the employment security department.

1 (b) Benefits paid to an eligible individual shall be charged to the  
2 experience rating accounts of each of such individual's employers  
3 during the individual's base year in the same ratio that the wages paid  
4 by each employer to the individual during the base year bear to the  
5 wages paid by all employers to that individual during that base year,  
6 except as otherwise provided in this section.

7 (c) When the eligible individual's separating employer is a covered  
8 contribution paying base year employer, benefits paid to the eligible  
9 individual shall be charged to the experience rating account of only  
10 the individual's separating employer if the individual qualifies for  
11 benefits under:

12 (i) RCW 50.20.050(2)(b)(i), as applicable, and became unemployed  
13 after having worked and earned wages in the bona fide work; or

14 (ii) RCW 50.20.050(2)(b) (v) through (x).

15 (3) The legislature finds that certain benefit payments, in whole  
16 or in part, should not be charged to the experience rating accounts of  
17 employers except those employers described in RCW 50.44.010, 50.44.030,  
18 and 50.50.030 who have properly elected to make payments in lieu of  
19 contributions, taxable local government employers described in RCW  
20 50.44.035, and those employers who are required to make payments in  
21 lieu of contributions, as follows:

22 (a) Benefits paid to any individual later determined to be  
23 ineligible shall not be charged to the experience rating account of any  
24 contribution paying employer. However, when a benefit claim becomes  
25 invalid due to an amendment or adjustment of a report where the  
26 employer failed to report or inaccurately reported hours worked or  
27 remuneration paid, or both, all benefits paid will be charged to the  
28 experience rating account of the contribution paying employer or  
29 employers that originally filed the incomplete or inaccurate report or  
30 reports. An employer who reimburses the trust fund for benefits paid  
31 to workers and who fails to report or inaccurately reported hours  
32 worked or remuneration paid, or both, shall reimburse the trust fund  
33 for all benefits paid that are based on the originally filed incomplete  
34 or inaccurate report or reports.

35 (b) Benefits paid to an individual filing under the provisions of  
36 chapter 50.06 RCW shall not be charged to the experience rating account  
37 of any contribution paying employer only if:

1 (i) The individual files under RCW 50.06.020(1) after receiving  
2 crime victims' compensation for a disability resulting from a nonwork-  
3 related occurrence; or

4 (ii) The individual files under RCW 50.06.020(2).

5 (c) Benefits paid which represent the state's share of benefits  
6 payable as extended benefits defined under RCW 50.22.010(6) shall not  
7 be charged to the experience rating account of any contribution paying  
8 employer.

9 (d) In the case of individuals who requalify for benefits under RCW  
10 50.20.050 or 50.20.060, benefits based on wage credits earned prior to  
11 the disqualifying separation shall not be charged to the experience  
12 rating account of the contribution paying employer from whom that  
13 separation took place.

14 (e) Individuals who qualify for benefits under RCW  
15 50.20.050(2)(b)(iv), as applicable, shall not have their benefits  
16 charged to the experience rating account of any contribution paying  
17 employer.

18 (f) With respect to claims with an effective date on or after the  
19 first Sunday following April 22, 2005, benefits paid that exceed the  
20 benefits that would have been paid if the weekly benefit amount for the  
21 claim had been determined as one percent of the total wages paid in the  
22 individual's base year shall not be charged to the experience rating  
23 account of any contribution paying employer.

24 (4)(a) A contribution paying base year employer, not otherwise  
25 eligible for relief of charges for benefits under this section, may  
26 receive such relief if the benefit charges result from payment to an  
27 individual who:

28 (i) Last left the employ of such employer voluntarily for reasons  
29 not attributable to the employer;

30 (ii) Was discharged for misconduct or gross misconduct connected  
31 with his or her work not a result of inability to meet the minimum job  
32 requirements;

33 (iii) Is unemployed as a result of closure or severe curtailment of  
34 operation at the employer's plant, building, worksite, or other  
35 facility. This closure must be for reasons directly attributable to a  
36 catastrophic occurrence such as fire, flood, or other natural disaster;

37 ((~~or~~))

1 (iv) Continues to be employed on a regularly scheduled permanent  
2 part-time basis by a base year employer and who at some time during the  
3 base year was concurrently employed and subsequently separated from at  
4 least one other base year employer. Benefit charge relief ceases when  
5 the employment relationship between the employer requesting relief and  
6 the claimant is terminated. This subsection does not apply to shared  
7 work employers under chapter 50.06 RCW; or

8 (v) Worked for an employer for six weeks or less, and was laid off  
9 at the end of temporary employment when that individual temporarily  
10 replaced a permanent employee taking family leave as defined in chapter  
11 49.86 RCW, and the lay off is due to the return of that permanent  
12 employee. This subsection applies to claims with an effective date on  
13 or after October 4, 2009.

14 (b) The employer requesting relief of charges under this subsection  
15 must request relief in writing within thirty days following mailing to  
16 the last known address of the notification of the valid initial  
17 determination of such claim, stating the date and reason for the  
18 separation or the circumstances of continued employment. The  
19 commissioner, upon investigation of the request, shall determine  
20 whether relief should be granted.

21 NEW SECTION. Sec. 18. If any provision of this act or its  
22 application to any person or circumstance is held invalid, the  
23 remainder of the act or the application of the provision to other  
24 persons or circumstances is not affected.

25 NEW SECTION. Sec. 19. If any part of this act is found to be in  
26 conflict with federal requirements that are a prescribed condition to  
27 the allocation of federal funds to the state or the eligibility of  
28 employers in this state for federal unemployment tax credits, the  
29 conflicting part of this act is inoperative solely to the extent of the  
30 conflict, and the finding or determination does not affect the  
31 operation of the remainder of this act. Rules adopted under this act  
32 must meet federal requirements that are a necessary condition to the  
33 receipt of federal funds by the state or the granting of federal  
34 unemployment tax credits to employers in this state.

1        NEW SECTION.   **Sec. 20.**   Sections 1 through 10, 13, and 14 of this  
2   act take effect July 1, 2008.

--- END ---