
HOUSE BILL 3305

State of Washington 60th Legislature 2008 Regular Session

By Representatives Dickerson, Conway, Green, Appleton, and Sells

Read first time 01/29/08. Referred to Committee on Commerce & Labor.

1 AN ACT Relating to implementing the family leave insurance program,
2 but only with respect to designating agencies to administer and enforce
3 the program, adopting government efficiencies to improve program
4 administration and reduce program costs, tracking and mitigating any
5 impacts on the unemployment compensation system, addressing the manner
6 in which leave is coordinated, and implementing other task force
7 recommendations; amending RCW 49.86.010, 49.86.020, 49.86.030,
8 49.86.050, 49.86.060, 49.86.070, 49.86.090, 49.86.110, 49.86.120,
9 49.86.160, 49.86.170, 49.86.190, 49.86.210, 49.86.080, and 50.29.021;
10 adding a new section to chapter 49.86 RCW; creating new sections; and
11 providing an effective date.

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

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

15 The definitions in this section apply throughout this chapter
16 unless the context clearly requires otherwise.

17 (1) "Application year" means the twelve-month period beginning on
18 the first day of the calendar week in which an individual files an
19 application for family leave insurance benefits and, thereafter, the

1 twelve-month period beginning with the first day of the calendar week
2 in which the individual next files an application for family leave
3 insurance benefits after the expiration of the individual's last
4 preceding application year.

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

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

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

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

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

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

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

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

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

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

23 (11) "Qualifying year" means the first four of the last five
24 completed calendar quarters or the last four completed calendar
25 quarters immediately preceding the first day of the individual's
26 application year.

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

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

32 (1) The department shall establish and administer a family leave
33 insurance program and pay family leave insurance benefits as specified
34 in this chapter.

35 (2) The department shall establish procedures and forms for filing
36 claims for benefits under this chapter. The department shall notify

1 the employer within five business days of a claim being filed under RCW
2 49.86.030.

3 (3) The department shall use information sharing and integration
4 technology to facilitate the disclosure of relevant information or
5 records by the (~~employment—security~~) department, so long as an
6 individual consents to the disclosure as required under RCW
7 49.86.030(4).

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

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

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

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

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

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

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

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

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

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

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

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

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

33 (b) The payment of benefits under this chapter shall not be
34 considered a binding determination of the obligations of the department
35 under this chapter. The acceptance of compensation by the individual
36 shall likewise not be considered a binding determination of his or her
37 rights under this chapter. Whenever any payment of benefits under this

1 chapter has been made and timely appeal therefrom has been made where
2 the final decision is that the payment was improper, the individual
3 shall repay it and recoupment may be made from any future payment due
4 to the individual on any claim under this chapter. The ((~~director~~))
5 commissioner may exercise his or her discretion to waive, in whole or
6 in part, the amount of any such payments where the recovery would be
7 against equity and good conscience.

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

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

14 The amount of family leave insurance benefits shall be determined
15 as follows:

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

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

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

33 (4) If an individual discloses that he or she owes child support
34 obligations under RCW 49.86.030 and the department determines that the
35 individual is eligible for benefits, the department shall notify the
36 applicable state or local child support enforcement agency and deduct

1 and withhold an amount from benefits in a manner consistent with RCW
2 50.40.050.

3 ~~((5) If the internal revenue service determines that family leave
4 insurance benefits under this chapter are subject to federal income tax
5 and an individual elects to have federal income tax deducted and
6 withheld from benefits, the department shall deduct and withhold the
7 amount specified in the federal internal revenue code in a manner
8 consistent with RCW 49.86.070.))~~

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

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

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

18 ~~(b))~~ , and that requirements exist pertaining to estimated tax
19 payments ~~((+~~

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

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

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

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

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

33 (1) During a period in which an individual receives family leave
34 insurance benefits or earns waiting period credits under this chapter,
35 the individual is entitled to family leave and, at the established

1 ending date of leave, to be restored to a position of employment with
2 the employer from whom leave was taken.

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

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

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

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

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

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

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

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

1 (2) An employer or self-employed person who has elected coverage
2 may withdraw from coverage within thirty days after the end of the
3 three-year period of coverage, or at such other times as the
4 ((~~director~~)) commissioner may prescribe by rule, by filing written
5 notice with the ((~~director~~)) commissioner, such withdrawal to take
6 effect not sooner than thirty days after filing the notice. Within
7 five days of filing written notice of the withdrawal with the
8 ((~~director~~)) commissioner, an employer must provide written notice of
9 the withdrawal to all individuals in the employer's employ.

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

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

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

1 commissioner's decision and shall be represented in the action by the
2 attorney general.

3 (3) If, upon (~~administrative or~~) judicial review, the final
4 decision of the department is reversed or modified, (~~the~~
5 ~~administrative law judge or~~) the court in its discretion may award
6 reasonable attorneys' fees and costs to the prevailing party.
7 Attorneys' fees and costs owed by the department, if any, are payable
8 from the family leave insurance account.

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

11 The (~~director~~) commissioner may adopt rules as necessary to
12 implement this chapter. The director of the department of labor and
13 industries may adopt rules as necessary to implement RCW 49.86.090. In
14 adopting rules, the commissioner and the director shall maintain
15 consistency with the rules adopted to implement the federal family and
16 medical leave act, and chapter 49.78 RCW, to the extent such rules are
17 not in conflict with this chapter.

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

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

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

30 (~~If necessary~~) To ensure that money is available in the family
31 leave insurance account for the initial administration of the family
32 leave insurance program, the director of labor and industries may, from
33 time to time before July 1, (~~2009~~) 2008, lend funds from the
34 supplemental pension fund to the family leave insurance account. The
35 department of labor and industries shall enter into an interagency

1 agreement with the employment security department to implement this
2 loan. These loaned funds may be expended solely by the employment
3 security department for the initial administration of the program under
4 this chapter. (~~The director of labor and industries~~) As specified in
5 the interagency agreement, the commissioner shall repay the
6 supplemental pension fund, plus (~~its proportionate share of earnings~~
7 ~~from investment of moneys in the supplemental pension fund during the~~
8 ~~loan period~~) interest, from the family leave insurance account
9 (~~within two years of the date of the loan~~). This section expires
10 October 1, 2011.

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

13 Beginning September 1, 2010, the department shall report to the
14 legislature by September 1st of each year on projected and actual
15 program participation, premium rates, fund balances, benefits paid,
16 information on program participants, costs of providing benefits, and
17 outreach efforts.

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

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

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

35 (a) The clerk of the county where the warrant is filed shall
36 immediately designate a superior court cause number for the warrant.

1 The clerk shall cause to be entered in the judgment docket under the
2 superior court cause number assigned to the warrant the name of the
3 person or persons mentioned in the warrant, the amount of the
4 overpayment assessment, and the date when the warrant was filed.

5 (b) The amount of the warrant as docketed shall become a lien upon
6 the title to, and any interest in, all real and personal property of
7 the person or persons against whom the warrant is issued, the same as
8 a judgment in a civil case duly docketed in the office of the clerk.
9 A warrant so docketed shall be sufficient to support the issuance of
10 writs of execution and writs of garnishment in favor of the state in
11 the manner provided by law for a civil judgment.

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

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

17 The commissioner shall appoint a state advisory committee. The
18 committee shall aid the commissioner in formulating policies related to
19 the administration of this chapter and of assuring consistency with
20 program intent and impartiality and freedom from political influence in
21 the solution of issues that may arise. The committee shall serve
22 without compensation. Advisory committee members shall be reimbursed
23 for travel expenses incurred in accordance with RCW 43.03.050 and
24 43.03.060.

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

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

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

1 (2)(a) An experience rating account shall be established and
2 maintained for each employer, except employers as described in RCW
3 50.44.010, 50.44.030, and 50.50.030 who have properly elected to make
4 payments in lieu of contributions, taxable local government employers
5 as described in RCW 50.44.035, and those employers who are required to
6 make payments in lieu of contributions, based on existing records of
7 the employment security department.

8 (b) Benefits paid to an eligible individual shall be charged to the
9 experience rating accounts of each of such individual's employers
10 during the individual's base year in the same ratio that the wages paid
11 by each employer to the individual during the base year bear to the
12 wages paid by all employers to that individual during that base year,
13 except as otherwise provided in this section.

14 (c) When the eligible individual's separating employer is a covered
15 contribution paying base year employer, benefits paid to the eligible
16 individual shall be charged to the experience rating account of only
17 the individual's separating employer if the individual qualifies for
18 benefits under:

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

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

22 (3) The legislature finds that certain benefit payments, in whole
23 or in part, should not be charged to the experience rating accounts of
24 employers except those employers described in RCW 50.44.010, 50.44.030,
25 and 50.50.030 who have properly elected to make payments in lieu of
26 contributions, taxable local government employers described in RCW
27 50.44.035, and those employers who are required to make payments in
28 lieu of contributions, as follows:

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

1 worked or remuneration paid, or both, shall reimburse the trust fund
2 for all benefits paid that are based on the originally filed incomplete
3 or inaccurate report or reports.

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

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

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

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

15 (d) In the case of individuals who requalify for benefits under RCW
16 50.20.050 or 50.20.060, benefits based on wage credits earned prior to
17 the disqualifying separation shall not be charged to the experience
18 rating account of the contribution paying employer from whom that
19 separation took place.

20 (e) Individuals who qualify for benefits under RCW
21 50.20.050(2)(b)(iv), as applicable, shall not have their benefits
22 charged to the experience rating account of any contribution paying
23 employer.

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

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

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

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

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

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

13 (v) Worked for an employer for six weeks or less, and was laid off
14 at the end of temporary employment when that individual temporarily
15 replaced a permanent employee taking family leave as defined in chapter
16 49.86 RCW, and the lay off is due to the return of that permanent
17 employee. This subsection applies to claims with an effective date on
18 or after October 4, 2009.

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

26 NEW SECTION. Sec. 18. If any provision of this act or its
27 application to any person or circumstance is held invalid, the
28 remainder of the act or the application of the provision to other
29 persons or circumstances is not affected.

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

1 must meet federal requirements that are a necessary condition to the
2 receipt of federal funds by the state or the granting of federal
3 unemployment tax credits to employers in this state.

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

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