

**SSB 5963 - H AMD 578**

By Representative Condotta

NOT ADOPTED 4/10/2009

1 Strike everything after the enacting clause and insert the  
2 following:

3  
4 "Sec. 1. RCW 50.29.021 and 2008 c 323 s 2 are each amended to  
5 read as follows:

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

9 (2)(a) An experience rating account shall be established and  
10 maintained for each employer, except employers as described in RCW  
11 50.44.010, 50.44.030, and 50.50.030 who have properly elected to make  
12 payments in lieu of contributions, taxable local government employers  
13 as described in RCW 50.44.035, and those employers who are required to  
14 make payments in lieu of contributions, based on existing records of  
15 the employment security department.

16 (b) Benefits paid to an eligible individual shall be charged to  
17 the experience rating accounts of each of such individual's employers  
18 during the individual's base year in the same ratio that the wages  
19 paid by each employer to the individual during the base year bear to  
20 the wages paid by all employers to that individual during that base  
21 year, except as otherwise provided in this section.

22 (c) When the eligible individual's separating employer is a  
23 covered contribution paying base year employer, benefits paid to the  
24 eligible individual shall be charged to the experience rating account  
25 of only the individual's separating employer if the individual  
26 qualifies for benefits under:

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1 (i) RCW 50.20.050(~~(+2)~~) (1)(b)(i), as applicable, and became  
2 unemployed after having worked and earned wages in the bona fide work;  
3 or

4 (ii) RCW 50.20.050(~~(+2)~~) (1)(b) (v) through (x).

5 (3) The legislature finds that certain benefit payments, in whole  
6 or in part, should not be charged to the experience rating accounts of  
7 employers except those employers described in RCW 50.44.010,  
8 50.44.030, and 50.50.030 who have properly elected to make payments in  
9 lieu of contributions, taxable local government employers described in  
10 RCW 50.44.035, and those employers who are required to make payments  
11 in lieu of contributions, as follows:

12 (a) Benefits paid to any individual later determined to be  
13 ineligible shall not be charged to the experience rating account of  
14 any contribution paying employer. However, when a benefit claim  
15 becomes invalid due to an amendment or adjustment of a report where  
16 the employer failed to report or inaccurately reported hours worked or  
17 remuneration paid, or both, all benefits paid will be charged to the  
18 experience rating account of the contribution paying employer or  
19 employers that originally filed the incomplete or inaccurate report or  
20 reports. An employer who reimburses the trust fund for benefits paid  
21 to workers and who fails to report or inaccurately reported hours  
22 worked or remuneration paid, or both, shall reimburse the trust fund  
23 for all benefits paid that are based on the originally filed  
24 incomplete or inaccurate report or reports.

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

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

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

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

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

8 (e) Benefits paid to an individual who qualifies for benefits  
9 under RCW 50.20.050(~~(+2)~~) (1)(b) (iv) or (xi), as applicable, shall  
10 not be charged to the experience rating account of any contribution  
11 paying employer.

12 (f) With respect to claims with an effective date on or after the  
13 first Sunday following April 22, 2005, benefits paid that exceed the  
14 benefits that would have been paid if the weekly benefit amount for  
15 the claim had been determined as one percent of the total wages paid  
16 in the individual's base year shall not be charged to the experience  
17 rating account of any contribution paying employer. This subsection  
18 (3)(f) does not apply to the calculation of contribution rates under  
19 RCW 50.29.025 for rate year 2010 and thereafter.

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

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

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

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

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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  
3 the base year was concurrently employed and subsequently separated  
4 from at least one other base year employer. Benefit charge relief  
5 ceases when the employment relationship between the employer  
6 requesting relief and the claimant is terminated. This subsection  
7 does not apply to shared work employers under chapter 50.06 RCW.

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

15  
16 **Sec. 2.** RCW 50.29.025 and 2007 c 51 s 1 are each amended to read  
17 as follows:

18 ~~(1) ((Except as provided in subsection (2) of this section, the~~  
19 ~~contribution rate for each employer subject to contributions under RCW~~  
20 ~~50.24.010 shall be determined under this subsection.~~

21 ~~— (a) A fund balance ratio shall be determined by dividing the~~  
22 ~~balance in the unemployment compensation fund as of the September 30th~~  
23 ~~immediately preceding the rate year by the total remuneration paid by~~  
24 ~~all employers subject to contributions during the second calendar year~~  
25 ~~preceding the rate year and reported to the department by the~~  
26 ~~following March 31st. The division shall be carried to the fourth~~  
27 ~~decimal place with the remaining fraction, if any, disregarded. The~~  
28 ~~fund balance ratio shall be expressed as a percentage.~~

29 ~~— (b) The interval of the fund balance ratio, expressed as a~~  
30 ~~percentage, shall determine which tax schedule in (c) of this~~  
31 ~~subsection shall be in effect for assigning tax rates for the rate~~  
32 ~~year. The intervals for determining the effective tax schedule shall~~  
33 ~~be:~~

1	<del>Interval of the</del>	
2	<del>Fund Balance</del>	
3	<del>Ratio</del>	
4	<del>Expressed as a</del>	<del>Effective</del>
5	<del>Percentage</del>	<del>Tax Schedule</del>
6	<del>2.90 and</del>	<del>AA</del>
7	<del>above</del>	
8	<del>2.10 to</del>	<del>A</del>
9	<del>2.89</del>	
10	<del>1.70 to</del>	<del>B</del>
11	<del>2.09</del>	
12	<del>1.40 to</del>	<del>C</del>
13	<del>1.69</del>	
14	<del>1.00 to</del>	<del>D</del>
15	<del>1.39</del>	
16	<del>0.70 to</del>	<del>E</del>
17	<del>0.99</del>	
18	<del>Less than</del>	<del>F</del>
19	<del>0.70</del>	

22 ~~(c) An array shall be prepared, listing all qualified employers in~~  
23 ~~ascending order of their benefit ratios. The array shall show for~~  
24 ~~each qualified employer: (i) Identification number; (ii) benefit~~  
25 ~~ratio; (iii) taxable payrolls for the four calendar quarters~~  
26 ~~immediately preceding the computation date and reported to the~~  
27 ~~department by the cut off date; (iv) a cumulative total of taxable~~  
28 ~~payrolls consisting of the employer's taxable payroll plus the taxable~~  
29 ~~payrolls of all other employers preceding him or her in the array; and~~  
30 ~~(v) the percentage equivalent of the cumulative total of taxable~~  
31 ~~payrolls.~~

32 ~~— (d) Each employer in the array shall be assigned to one of twenty~~  
33 ~~rate classes according to the percentage intervals of cumulative~~  
34 ~~taxable payrolls set forth in (c) of this subsection: PROVIDED, That~~

1 ~~if an employer's taxable payroll falls within two or more rate~~  
 2 ~~classes, the employer and any other employer with the same benefit~~  
 3 ~~ratio shall be assigned to the lowest rate class which includes any~~  
 4 ~~portion of the employer's taxable payroll.~~

5 ~~— (e) Except as provided in RCW 50.29.026, the contribution rate for~~  
 6 ~~each employer in the array shall be the rate specified in the~~  
 7 ~~following tables for the rate class to which he or she has been~~  
 8 ~~assigned, as determined under (d) of this subsection, within the tax~~  
 9 ~~schedule which is to be in effect during the rate year:~~

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Percent of		Schedules of Contributions							
Cumulative		Rates							
Taxable Payrolls for Effective Tax Schedule									
Rate									
From	To	Class	AA	A	B	C	D	E	F
0.00	5.00	1	0.470	0.470	0.570	0.971	1.471	1.872	2.47
5.01	10.00	2	0.470	0.470	0.771	1.171	1.672	2.072	2.67
10.01	15.00	3	0.570	0.570	0.971	1.371	1.772	2.272	2.87
15.01	20.00	4	0.570	0.731	1.111	1.511	1.902	2.402	2.98
20.01	25.00	5	0.720	0.921	1.301	1.702	2.092	2.593	3.08
25.01	30.00	6	0.911	1.111	1.491	1.892	2.292	2.693	3.18
30.01	35.00	7	1.001	1.291	1.692	2.082	2.482	2.883	3.27
35.01	40.00	8	1.191	1.481	1.882	2.272	2.673	3.073	3.47
40.01	45.00	9	1.371	1.672	2.072	2.472	2.873	3.273	3.66
45.01	50.00	10	1.561	1.862	2.262	2.663	3.063	3.463	3.86
50.01	55.00	11	1.842	2.142	2.542	2.943	3.343	3.743	4.05
55.01	60.00	12	2.032	2.332	2.733	3.133	3.533	3.933	4.34
60.01	65.00	13	2.222	2.522	2.923	3.323	3.723	4.123	4.53
65.01	70.00	14	2.402	2.713	3.123	3.523	3.923	4.323	4.73
70.01	75.00	15	2.682	3.003	3.413	3.813	4.213	4.613	5.03
75.01	80.00	16	2.873	3.203	3.613	4.013	4.413	4.813	5.23
80.01	85.00	17	3.273	3.703	4.113	4.513	4.913	5.313	5.63
85.01	90.00	18	3.673	4.173	4.573	4.973	5.373	5.773	6.03

1                   90.01 95.00 19 4.074.274.574.975.075.175.37  
2                   95.01100.00 20 5.405.405.405.405.405.405.40

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5 ~~(f) The contribution rate for each employer not qualified to be in the~~  
6 ~~array shall be as follows:~~

7 ~~—— (i) Employers who do not meet the definition of "qualified~~  
8 ~~employer" by reason of failure to pay contributions when due shall be~~  
9 ~~assigned a contribution rate two tenths higher than that in rate class~~  
10 ~~20 for the applicable rate year, except employers who have an approved~~  
11 ~~agency deferred payment contract by September 30 of the previous rate~~  
12 ~~year. If any employer with an approved agency deferred payment~~  
13 ~~contract fails to make any one of the succeeding deferred payments or~~  
14 ~~fails to submit any succeeding tax report and payment in a timely~~  
15 ~~manner, the employer's tax rate shall immediately revert to a~~  
16 ~~contribution rate two tenths higher than that in rate class 20 for the~~  
17 ~~applicable rate year; and~~

18 ~~—— (ii) For all other employers not qualified to be in the array, the~~  
19 ~~contribution rate shall be a rate equal to the average industry rate~~  
20 ~~as determined by the commissioner; however, the rate may not be less~~  
21 ~~than one percent.~~

22 ~~—— (2) Beginning with)) For contributions assessed for rate years~~  
23 ~~2005 through 2009, the contribution rate for each employer subject to~~  
24 ~~contributions under RCW 50.24.010 shall be the sum of the array~~  
25 ~~calculation factor rate and the graduated social cost factor rate~~  
26 ~~determined under this subsection, and the solvency surcharge~~  
27 ~~determined under RCW 50.29.041, if any.~~

28       (a) The array calculation factor rate shall be determined as  
29 follows:

30       (i) An array shall be prepared, listing all qualified employers in  
31 ascending order of their benefit ratios. The array shall show for  
32 each qualified employer: (A) Identification number; (B) benefit  
33 ratio; and (C) taxable payrolls for the four consecutive calendar  
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1 quarters immediately preceding the computation date and reported to  
2 the employment security department by the cut-off date.

3 (ii) Each employer in the array shall be assigned to one of forty  
4 rate classes according to his or her benefit ratio as follows, and,  
5 except as provided in RCW 50.29.026, the array calculation factor rate  
6 for each employer in the array shall be the rate specified in the rate  
7 class to which the employer has been assigned:

8	Benefit Ratio		Rate	Rate
9	At least	Less	Class	(percent)
10		than		
11		0.000001	1	0.00
12	0.000001	0.001250	2	0.13
13	0.001250	0.002500	3	0.25
14	0.002500	0.003750	4	0.38
15	0.003750	0.005000	5	0.50
16	0.005000	0.006250	6	0.63
17	0.006250	0.007500	7	0.75
18	0.007500	0.008750	8	0.88
19	0.008750	0.010000	9	1.00
20	0.010000	0.011250	10	1.15
21	0.011250	0.012500	11	1.30
22	0.012500	0.013750	12	1.45
23	0.013750	0.015000	13	1.60
24	0.015000	0.016250	14	1.75
25	0.016250	0.017500	15	1.90
26	0.017500	0.018750	16	2.05
27	0.018750	0.020000	17	2.20
28	0.020000	0.021250	18	2.35
29	0.021250	0.022500	19	2.50
30	0.022500	0.023750	20	2.65
31	0.023750	0.025000	21	2.80
32	0.025000	0.026250	22	2.95
33	0.026250	0.027500	23	3.10
34				



1	0.027500	0.028750	24	3.25
2	0.028750	0.030000	25	3.40
3	0.030000	0.031250	26	3.55
4	0.031250	0.032500	27	3.70
5	0.032500	0.033750	28	3.85
6	0.033750	0.035000	29	4.00
7	0.035000	0.036250	30	4.15
8	0.036250	0.037500	31	4.30
9	0.037500	0.040000	32	4.45
10	0.040000	0.042500	33	4.60
11	0.042500	0.045000	34	4.75
12	0.045000	0.047500	35	4.90
13	0.047500	0.050000	36	5.05
14	0.050000	0.052500	37	5.20
15	0.052500	0.055000	38	5.30
16	0.055000	0.057500	39	5.35
17	0.057500		40	5.40

18  
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20 (b) The graduated social cost factor rate shall be determined as  
21 follows:

22 (i)(A) Except as provided in (b)(i)(B) and (C) of this subsection,  
23 the commissioner shall calculate the flat social cost factor for a  
24 rate year by dividing the total social cost by the total taxable  
25 payroll. The division shall be carried to the second decimal place  
26 with the remaining fraction disregarded unless it amounts to five  
27 hundredths or more, in which case the second decimal place shall be  
28 rounded to the next higher digit. The flat social cost factor shall  
29 be expressed as a percentage.

30 (B) If, on the cut-off date, the balance in the unemployment  
31 compensation fund is determined by the commissioner to be an amount  
32 that will provide more than ten months of unemployment benefits, the  
33 commissioner shall calculate the flat social cost factor for the rate  
34 year immediately following the cut-off date by reducing the total

1 social cost by the dollar amount that represents the number of months  
2 for which the balance in the unemployment compensation fund on the  
3 cut-off date will provide benefits above ten months and dividing the  
4 result by the total taxable payroll. However, the calculation under  
5 this subsection (~~((+2))~~) (1)(b)(i)(B) for a rate year may not result in  
6 a flat social cost factor that is more than four-tenths lower than the  
7 calculation under (b)(i)(A) of this subsection for that rate year.

8 For the purposes of this subsection, the commissioner shall  
9 determine the number of months of unemployment benefits in the  
10 unemployment compensation fund using the benefit cost rate for the  
11 average of the three highest calendar benefit cost rates in the twenty  
12 consecutive completed calendar years immediately preceding the cut-off  
13 date or a period of consecutive calendar years immediately preceding  
14 the cut-off date that includes three recessions, if longer.

15 (C) The minimum flat social cost factor calculated under this  
16 subsection (~~((+2))~~) (1)(b) shall be six-tenths of one percent, except  
17 that if the balance in the unemployment compensation fund is  
18 determined by the commissioner to be an amount that will provide:

19 (I) At least twelve months but less than fourteen months of  
20 unemployment benefits, the minimum shall be five-tenths of one  
21 percent; or

22 (II) At least fourteen months of unemployment benefits, the  
23 minimum shall be five-tenths of one percent, except that, for  
24 employers in rate class 1, the minimum shall be forty-five hundredths  
25 of one percent.

26 (ii)(A) Except as provided in (b)(ii)(B) of this subsection, the  
27 graduated social cost factor rate for each employer in the array is  
28 the flat social cost factor multiplied by the percentage specified as  
29 follows for the rate class to which the employer has been assigned in  
30 (a)(ii) of this subsection, except that the sum of an employer's array  
31 calculation factor rate and the graduated social cost factor rate may  
32 not exceed six and five-tenths percent or, for employers whose North  
33 American industry classification system code is within "111," "112,"  
34 "1141," "115," "3114," "3117," "42448," or "49312," may not exceed six

1 percent through rate year 2007 and may not exceed five and seven-  
2 tenths percent for rate years 2008 and (~~thereafter~~) 2009:

3 (I) Rate class 1 - 78 percent;

4 (II) Rate class 2 - 82 percent;

5 (III) Rate class 3 - 86 percent;

6 (IV) Rate class 4 - 90 percent;

7 (V) Rate class 5 - 94 percent;

8 (VI) Rate class 6 - 98 percent;

9 (VII) Rate class 7 - 102 percent;

10 (VIII) Rate class 8 - 106 percent;

11 (IX) Rate class 9 - 110 percent;

12 (X) Rate class 10 - 114 percent;

13 (XI) Rate class 11 - 118 percent; and

14 (XII) Rate classes 12 through 40 - 120 percent.

15 (B) For contributions assessed beginning July 1, 2005, through  
16 December 31, 2007, for employers whose North American industry  
17 classification system code is "111," "112," "1141," "115," "3114,"  
18 "3117," "42448," or "49312," the graduated social cost factor rate is  
19 zero.

20 (iii) For the purposes of this section:

21 (A) "Total social cost" means the amount calculated by subtracting  
22 the array calculation factor contributions paid by all employers with  
23 respect to the four consecutive calendar quarters immediately  
24 preceding the computation date and paid to the employment security  
25 department by the cut-off date from the total unemployment benefits  
26 paid to claimants in the same four consecutive calendar quarters. To  
27 calculate the flat social cost factor for rate year 2005, the  
28 commissioner shall calculate the total social cost using the array  
29 calculation factor contributions that would have been required to be  
30 paid by all employers in the calculation period if (a) of this  
31 subsection had been in effect for the relevant period.

32 (B) "Total taxable payroll" means the total amount of wages  
33 subject to tax, as determined under RCW 50.24.010, for all employers  
34 in the four consecutive calendar quarters immediately preceding the

1 computation date and reported to the employment security department by  
2 the cut-off date.

3 (c) For employers who do not meet the definition of "qualified  
4 employer" by reason of failure to pay contributions when due:

5 (i) The array calculation factor rate shall be two-tenths higher  
6 than that in rate class 40, except employers who have an approved  
7 agency-deferred payment contract by September 30th of the previous  
8 rate year. If any employer with an approved agency-deferred payment  
9 contract fails to make any one of the succeeding deferred payments or  
10 fails to submit any succeeding tax report and payment in a timely  
11 manner, the employer's tax rate shall immediately revert to an array  
12 calculation factor rate two-tenths higher than that in rate class 40;  
13 and

14 (ii) The social cost factor rate shall be the social cost factor  
15 rate assigned to rate class 40 under (b)(ii) of this subsection.

16 (d) For all other employers not qualified to be in the array:

17 (i) For rate years 2005, 2006, and 2007:

18 (A) The array calculation factor rate shall be a rate equal to the  
19 average industry array calculation factor rate as determined by the  
20 commissioner, plus fifteen percent of that amount; however, the rate  
21 may not be less than one percent or more than the array calculation  
22 factor rate in rate class 40; and

23 (B) The social cost factor rate shall be a rate equal to the  
24 average industry social cost factor rate as determined by the  
25 commissioner, plus fifteen percent of that amount, but not more than  
26 the social cost factor rate assigned to rate class 40 under (b)(ii) of  
27 this subsection.

28 (ii) (~~Beginning with~~) For contributions assessed for rate years  
29 2008 and 2009:

30 (A) The array calculation factor rate shall be a rate equal to the  
31 average industry array calculation factor rate as determined by the  
32 commissioner, multiplied by the history factor, but not less than one  
33 percent or more than the array calculation factor rate in rate class  
34 40;

1 (B) The social cost factor rate shall be a rate equal to the  
2 average industry social cost factor rate as determined by the  
3 commissioner, multiplied by the history factor, but not more than the  
4 social cost factor rate assigned to rate class 40 under (b)(ii) of  
5 this subsection; and

6 (C) The history factor shall be based on the total amounts of  
7 benefits charged and contributions paid in the three fiscal years  
8 ending prior to the computation date by employers not qualified to be  
9 in the array, other than employers in (c) of this subsection, who were  
10 first subject to contributions in the calendar year ending three years  
11 prior to the computation date. The commissioner shall calculate the  
12 history ratio by dividing the total amount of benefits charged by the  
13 total amount of contributions paid in this three-year period by these  
14 employers. The division shall be carried to the second decimal place  
15 with the remaining fraction disregarded unless it amounts to five  
16 one-hundredths or more, in which case the second decimal place shall  
17 be rounded to the next higher digit. The commissioner shall determine  
18 the history factor according to the history ratio as follows:

	History		History
	Ratio		Factor
			(percent)
	At least	Less than	
24 (I)		.95	90
25 (II)	.95	1.05	100
26 (III)	1.05		115

27  
28 (2) For contributions assessed in rate year 2010 and thereafter,  
29 the contribution rate for each employer subject to contributions under  
30 RCW 50.24.010 shall be the sum of the array calculation factor rate  
31 and the graduated social cost factor rate determined under this  
32 subsection, and the solvency surcharge determined under RCW 50.29.041,  
33 if any.

34 (a) The array calculation factor rate shall be determined as

1 follows:

2 (i) An array shall be prepared, listing all qualified employers in  
3 ascending order of their benefit ratios. The array shall show for  
4 each qualified employer: (A) Identification number; (B) benefit  
5 ratio; and (C) taxable payrolls for the four consecutive calendar  
6 quarters immediately preceding the computation date and reported to  
7 the employment security department by the cut-off date.

8 (ii) Each employer in the array shall be assigned to one of forty  
9 rate classes according to his or her benefit ratio as follows, and,  
10 except as provided in RCW 50.29.026, the array calculation factor rate  
11 for each employer in the array shall be the rate specified in the rate  
12 class to which the employer has been assigned:

13

	<u>Benefit Ratio</u>		<u>Rate</u>	<u>Rate</u>
	<u>At least</u>	<u>Less</u>	<u>Class</u>	<u>(percent)</u>
		<u>than</u>		
17		<u>0.000001</u>	<u>1</u>	<u>0.00</u>
18	<u>0.000001</u>	<u>0.001250</u>	<u>2</u>	<u>0.11</u>
19	<u>0.001250</u>	<u>0.002500</u>	<u>3</u>	<u>0.22</u>
20	<u>0.002500</u>	<u>0.003750</u>	<u>4</u>	<u>0.33</u>
21	<u>0.003750</u>	<u>0.005000</u>	<u>5</u>	<u>0.43</u>
22	<u>0.005000</u>	<u>0.006250</u>	<u>6</u>	<u>0.54</u>
23	<u>0.006250</u>	<u>0.007500</u>	<u>7</u>	<u>0.65</u>
24	<u>0.007500</u>	<u>0.008750</u>	<u>8</u>	<u>0.76</u>
25	<u>0.008750</u>	<u>0.010000</u>	<u>9</u>	<u>0.88</u>
26	<u>0.010000</u>	<u>0.011250</u>	<u>10</u>	<u>1.01</u>
27	<u>0.011250</u>	<u>0.012500</u>	<u>11</u>	<u>1.14</u>
28	<u>0.012500</u>	<u>0.013750</u>	<u>12</u>	<u>1.28</u>
29	<u>0.013750</u>	<u>0.015000</u>	<u>13</u>	<u>1.41</u>
30	<u>0.015000</u>	<u>0.016250</u>	<u>14</u>	<u>1.54</u>
31	<u>0.016250</u>	<u>0.017500</u>	<u>15</u>	<u>1.67</u>
32	<u>0.017500</u>	<u>0.018750</u>	<u>16</u>	<u>1.80</u>
33	<u>0.018750</u>	<u>0.020000</u>	<u>17</u>	<u>1.94</u>
34	<u>0.020000</u>	<u>0.021250</u>	<u>18</u>	<u>2.07</u>

1	<u>0.021250</u>	<u>0.022500</u>	<u>19</u>	<u>2.20</u>
2	<u>0.022500</u>	<u>0.023750</u>	<u>20</u>	<u>2.38</u>
3	<u>0.023750</u>	<u>0.025000</u>	<u>21</u>	<u>2.50</u>
4	<u>0.025000</u>	<u>0.026250</u>	<u>22</u>	<u>2.63</u>
5	<u>0.026250</u>	<u>0.027500</u>	<u>23</u>	<u>2.75</u>
6	<u>0.027500</u>	<u>0.028750</u>	<u>24</u>	<u>2.88</u>
7	<u>0.028750</u>	<u>0.030000</u>	<u>25</u>	<u>3.00</u>
8	<u>0.030000</u>	<u>0.031250</u>	<u>26</u>	<u>3.13</u>
9	<u>0.031250</u>	<u>0.032500</u>	<u>27</u>	<u>3.25</u>
10	<u>0.032500</u>	<u>0.033750</u>	<u>28</u>	<u>3.38</u>
11	<u>0.033750</u>	<u>0.035000</u>	<u>29</u>	<u>3.50</u>
12	<u>0.035000</u>	<u>0.036250</u>	<u>30</u>	<u>3.63</u>
13	<u>0.036250</u>	<u>0.037500</u>	<u>31</u>	<u>3.75</u>
14	<u>0.037500</u>	<u>0.040000</u>	<u>32</u>	<u>4.00</u>
15	<u>0.040000</u>	<u>0.042500</u>	<u>33</u>	<u>4.25</u>
16	<u>0.042500</u>	<u>0.045000</u>	<u>34</u>	<u>4.50</u>
17	<u>0.045000</u>	<u>0.047500</u>	<u>35</u>	<u>4.75</u>
18	<u>0.047500</u>	<u>0.050000</u>	<u>36</u>	<u>5.00</u>
19	<u>0.050000</u>	<u>0.052500</u>	<u>37</u>	<u>5.15</u>
20	<u>0.052500</u>	<u>0.055000</u>	<u>38</u>	<u>5.25</u>
21	<u>0.055000</u>	<u>0.057500</u>	<u>39</u>	<u>5.30</u>
22	<u>0.057500</u>		<u>40</u>	<u>5.40</u>

23  
24

25 (b) The graduated social cost factor rate shall be determined as  
26 follows:

27 (i)(A) Except as provided in (b)(i)(B) and (C) of this subsection,  
28 the commissioner shall calculate the flat social cost factor for a  
29 rate year by dividing the total social cost by the total taxable  
30 payroll. The division shall be carried to the second decimal place  
31 with the remaining fraction disregarded unless it amounts to five  
32 hundredths or more, in which case the second decimal place shall be  
33 rounded to the next higher digit. The flat social cost factor shall  
34 be expressed as a percentage.

1 (B) If, on the cut-off date, the balance in the unemployment  
2 compensation fund is determined by the commissioner to be an amount  
3 that will provide more than ten months of unemployment benefits, the  
4 commissioner shall calculate the flat social cost factor for the rate  
5 year immediately following the cut-off date by reducing the total  
6 social cost by the dollar amount that represents the number of months  
7 for which the balance in the unemployment compensation fund on the  
8 cut-off date will provide benefits above ten months and dividing the  
9 result by the total taxable payroll. However, the calculation under  
10 this subsection (2)(b)(i)(B) for a rate year may not result in a flat  
11 social cost factor that is more than four-tenths lower than the  
12 calculation under (b)(i)(A) of this subsection for that rate year.

13 For the purposes of this subsection, the commissioner shall  
14 determine the number of months of unemployment benefits in the  
15 unemployment compensation fund using the benefit cost rate for the  
16 average of the three highest calendar benefit cost rates in the twenty  
17 consecutive completed calendar years immediately preceding the cut-off  
18 date or a period of consecutive calendar years immediately preceding  
19 the cut-off date that includes three recessions, if longer.

20 (C) The minimum flat social cost factor calculated under this  
21 subsection (2)(b) shall be six-tenths of one percent, except that if  
22 the balance in the unemployment compensation fund is determined by the  
23 commissioner to be an amount that will provide:

24 (I) At least ten months but less than eleven months of  
25 unemployment benefits, the minimum shall be five-tenths of one  
26 percent; or

27 (II) At least eleven months but less than twelve months of  
28 unemployment benefits, the minimum shall be forty-five hundredths of  
29 one percent; or

30 (III) At least twelve months but less than thirteen months of  
31 unemployment benefits, the minimum shall be four-tenths of one  
32 percent; or

33 (IV) At least thirteen months but less than fifteen months of  
34 unemployment benefits, the minimum shall be thirty-five hundredths of



1 one percent; or

2 (V) At least fifteen months but less than seventeen months of  
3 unemployment benefits, the minimum shall be twenty-five hundredths of  
4 one percent; or

5 (VI) At least seventeen months but less than eighteen months of  
6 unemployment benefits, the minimum shall be fifteen hundredths of one  
7 percent; or

8 (VII) At least eighteen months of unemployment benefits, the  
9 minimum shall be fifteen hundredths of one percent through rate year  
10 2011 and shall be zero thereafter.

11 (ii) The graduated social cost factor rate for each employer in  
12 the array is the flat social cost factor multiplied by the percentage  
13 specified as follows for the rate class to which the employer has been  
14 assigned in (a)(ii) of this subsection, except that the sum of an  
15 employer's array calculation factor rate and the graduated social cost  
16 factor rate may not exceed six percent or, for employers whose North  
17 American industry classification system code is within "111," "112,"  
18 "1141," "115," "3114," "3117," "42448," or "49312," may not exceed  
19 five and four-tenths percent:

20 (A) Rate class 1 - 78 percent;

21 (B) Rate class 2 - 82 percent;

22 (C) Rate class 3 - 86 percent;

23 (D) Rate class 4 - 90 percent;

24 (E) Rate class 5 - 94 percent;

25 (F) Rate class 6 - 98 percent;

26 (G) Rate class 7 - 102 percent;

27 (H) Rate class 8 - 106 percent;

28 (I) Rate class 9 - 110 percent;

29 (J) Rate class 10 - 114 percent;

30 (K) Rate class 11 - 118 percent; and

31 (L) Rate classes 12 through 40 - 120 percent.

32 (iii) For the purposes of this section:

33 (A) "Total social cost" means the amount calculated by subtracting  
34 the array calculation factor contributions paid by all employers with

1 respect to the four consecutive calendar quarters immediately  
2 preceding the computation date and paid to the employment security  
3 department by the cut-off date from the total unemployment benefits  
4 paid to claimants in the same four consecutive calendar quarters.

5 (B) "Total taxable payroll" means the total amount of wages  
6 subject to tax, as determined under RCW 50.24.010, for all employers  
7 in the four consecutive calendar quarters immediately preceding the  
8 computation date and reported to the employment security department by  
9 the cut-off date.

10 (c) For employers who do not meet the definition of "qualified  
11 employer" by reason of failure to pay contributions when due:

12 (i) The array calculation factor rate shall be two-tenths higher  
13 than that in rate class 40, except employers who have an approved  
14 agency-deferred payment contract by September 30th of the previous  
15 rate year. If any employer with an approved agency-deferred payment  
16 contract fails to make any one of the succeeding deferred payments or  
17 fails to submit any succeeding tax report and payment in a timely  
18 manner, the employer's tax rate shall immediately revert to an array  
19 calculation factor rate two-tenths higher than that in rate class 40;  
20 and

21 (ii) The social cost factor rate shall be the social cost factor  
22 rate assigned to rate class 40 under (b)(ii) of this subsection.

23 (d) For all other employers not qualified to be in the array:

24 (i) The array calculation factor rate shall be a rate equal to the  
25 average industry array calculation factor rate as determined by the  
26 commissioner, multiplied by the history factor, but not less than one  
27 percent or more than the array calculation factor rate in rate class  
28 40;

29 (ii) The social cost factor rate shall be a rate equal to the  
30 average industry social cost factor rate as determined by the  
31 commissioner, multiplied by the history factor, but not more than the  
32 social cost factor rate assigned to rate class 40 under (b)(ii) of  
33 this subsection; and

34 (iii) The history factor shall be based on the total amounts of

1 benefits charged and contributions paid in the three fiscal years  
 2 ending prior to the computation date by employers not qualified to be  
 3 in the array, other than employers in (c) of this subsection, who were  
 4 first subject to contributions in the calendar year ending three years  
 5 prior to the computation date. The commissioner shall calculate the  
 6 history ratio by dividing the total amount of benefits charged by the  
 7 total amount of contributions paid in this three-year period by these  
 8 employers. The division shall be carried to the second decimal place  
 9 with the remaining fraction disregarded unless it amounts to five one-  
 10 hundredths or more, in which case the second decimal place shall be  
 11 rounded to the next higher digit. The commissioner shall determine  
 12 the history factor according to the history ratio as follows:

13

	<u>History</u>		<u>History</u>
	<u>Ratio</u>		<u>Factor</u>
			<u>(percent)</u>
	<u>At least</u>	<u>Less than</u>	
18	<u>(A)</u>	<u>.95</u>	<u>90</u>
19	<u>(B)</u>	<u>.95</u>	<u>100</u>
20	<u>(C)</u>	<u>1.05</u>	<u>115</u>

21

22 (3) Assignment of employers by the commissioner to industrial  
 23 classification, for purposes of this section, shall be in accordance  
 24 with established classification practices found (~~in the "Standard~~  
 25 ~~Industrial Classification Manual" issued by the federal office of~~  
 26 ~~management and budget to the third digit provided in the standard~~  
 27 ~~industrial classification code, or~~) in the North American industry  
 28 classification system code.

29

30 **Sec. 3.** RCW 50.20.050 and 2008 c 323 s 1 are each amended to read  
 31 as follows:

32 (1) (~~With respect to claims that have an effective date before~~  
 33 ~~January 4, 2004:~~

34 ~~(a) An individual shall be disqualified from benefits beginning~~

~~1 with the first day of the calendar week in which he or she has left  
2 work voluntarily without good cause and thereafter for seven calendar  
3 weeks and until he or she has obtained bona fide work in employment  
4 covered by this title and earned wages in that employment equal to  
5 seven times his or her weekly benefit amount.~~

~~6 — The disqualification shall continue if the work obtained is a mere  
7 sham to qualify for benefits and is not bona fide work. — In  
8 determining whether work is of a bona fide nature, the commissioner  
9 shall consider factors including but not limited to the following:~~

~~10 — (i) The duration of the work;~~

~~11 — (ii) The extent of direction and control by the employer over the  
12 work; and~~

~~13 — (iii) The level of skill required for the work in light of the  
14 individual's training and experience.~~

~~15 — (b) An individual shall not be considered to have left work  
16 voluntarily without good cause when:~~

~~17 — (i) He or she has left work to accept a bona fide offer of bona  
18 fide work as described in (a) of this subsection;~~

~~19 — (ii) The separation was because of the illness or disability of  
20 the claimant or the death, illness, or disability of a member of the  
21 claimant's immediate family if the claimant took all reasonable  
22 precautions, in accordance with any regulations that the commissioner  
23 may prescribe, to protect his or her employment status by having  
24 promptly notified the employer of the reason for the absence and by  
25 having promptly requested reemployment when again able to assume  
26 employment: PROVIDED, That these precautions need not have been taken  
27 when they would have been a futile act, including those instances when  
28 the futility of the act was a result of a recognized labor/management  
29 dispatch system;~~

~~30 — (iii) He or she has left work to relocate for the spouse's  
31 employment that is due to an employer-initiated mandatory transfer  
32 that is outside the existing labor market area if the claimant  
33 remained employed as long as was reasonable prior to the move; or~~

~~34 — (iv) The separation was necessary to protect the claimant or the~~

~~1 claimant's immediate family members from domestic violence, as defined  
2 in RCW 26.50.010, or stalking, as defined in RCW 9A.46.110.~~

~~3 — (c) In determining under this subsection whether an individual has  
4 left work voluntarily without good cause, the commissioner shall only  
5 consider work connected factors such as the degree of risk involved to  
6 the individual's health, safety, and morals, the individual's physical  
7 fitness for the work, the individual's ability to perform the work,  
8 and such other work connected factors as the commissioner may deem  
9 pertinent, including state and national emergencies. Good cause shall  
10 not be established for voluntarily leaving work because of its  
11 distance from an individual's residence where the distance was known  
12 to the individual at the time he or she accepted the employment and  
13 where, in the judgment of the department, the distance is customarily  
14 traveled by workers in the individual's job classification and labor  
15 market, nor because of any other significant work factor which was  
16 generally known and present at the time he or she accepted employment,  
17 unless the related circumstances have so changed as to amount to a  
18 substantial involuntary deterioration of the work factor or unless the  
19 commissioner determines that other related circumstances would work an  
20 unreasonable hardship on the individual were he or she required to  
21 continue in the employment.~~

~~22 — (d) Subsection (1)(a) and (c) of this section shall not apply to  
23 an individual whose marital status or domestic responsibilities cause  
24 him or her to leave employment. Such an individual shall not be  
25 eligible for unemployment insurance benefits beginning with the first  
26 day of the calendar week in which he or she left work and thereafter  
27 for seven calendar weeks and until he or she has requalified, either  
28 by obtaining bona fide work in employment covered by this title and  
29 earning wages in that employment equal to seven times his or her  
30 weekly benefit amount or by reporting in person to the department  
31 during ten different calendar weeks and certifying on each occasion  
32 that he or she is ready, able, and willing to immediately accept any  
33 suitable work which may be offered, is actively seeking work pursuant  
34 to customary trade practices, and is utilizing such employment~~

1 ~~counseling and placement services as are available through the~~  
2 ~~department. This subsection does not apply to individuals covered by~~  
3 ~~(b)(ii) or (iii) of this subsection.~~

4 ~~—(2))~~ With respect to claims that have an effective date on or  
5 after January 4, 2004, and for separations that occur before September  
6 6, 2009:

7 (a) An individual shall be disqualified from benefits beginning  
8 with the first day of the calendar week in which he or she has left  
9 work voluntarily without good cause and thereafter for seven calendar  
10 weeks and until he or she has obtained bona fide work in employment  
11 covered by this title and earned wages in that employment equal to  
12 seven times his or her weekly benefit amount.

13 The disqualification shall continue if the work obtained is a mere  
14 sham to qualify for benefits and is not bona fide work. In  
15 determining whether work is of a bona fide nature, the commissioner  
16 shall consider factors including but not limited to the following:

- 17 (i) The duration of the work;  
18 (ii) The extent of direction and control by the employer over the  
19 work; and  
20 (iii) The level of skill required for the work in light of the  
21 individual's training and experience.

22 (b) An individual is not disqualified from benefits under (a) of  
23 this subsection when:

24 (i) He or she has left work to accept a bona fide offer of bona  
25 fide work as described in (a) of this subsection;

26 (ii) The separation was necessary because of the illness or  
27 disability of the claimant or the death, illness, or disability of a  
28 member of the claimant's immediate family if:

29 (A) The claimant pursued all reasonable alternatives to preserve  
30 his or her employment status by requesting a leave of absence, by  
31 having promptly notified the employer of the reason for the absence,  
32 and by having promptly requested reemployment when again able to  
33 assume employment. These alternatives need not be pursued, however,  
34 when they would have been a futile act, including those instances when

1 the futility of the act was a result of a recognized labor/management  
2 dispatch system; and

3 (B) The claimant terminated his or her employment status, and is  
4 not entitled to be reinstated to the same position or a comparable or  
5 similar position;

6 (iii)(A) With respect to claims that have an effective date before  
7 July 2, 2006, he or she: (I) Left work to relocate for the spouse's  
8 employment that, due to a mandatory military transfer: (1) Is outside  
9 the existing labor market area; and (2) is in Washington or another  
10 state that, pursuant to statute, does not consider such an individual  
11 to have left work voluntarily without good cause; and (II) remained  
12 employed as long as was reasonable prior to the move;

13 (B) With respect to claims that have an effective date on or after  
14 July 2, 2006, he or she: (I) Left work to relocate for the spouse's  
15 employment that, due to a mandatory military transfer, is outside the  
16 existing labor market area; and (II) remained employed as long as was  
17 reasonable prior to the move;

18 (iv) The separation was necessary to protect the claimant or the  
19 claimant's immediate family members from domestic violence, as defined  
20 in RCW 26.50.010, or stalking, as defined in RCW 9A.46.110;

21 (v) The individual's usual compensation was reduced by twenty-five  
22 percent or more;

23 (vi) The individual's usual hours were reduced by twenty-five  
24 percent or more;

25 (vii) The individual's worksite changed, such change caused a  
26 material increase in distance or difficulty of travel, and, after the  
27 change, the commute was greater than is customary for workers in the  
28 individual's job classification and labor market;

29 (viii) The individual's worksite safety deteriorated, the  
30 individual reported such safety deterioration to the employer, and the  
31 employer failed to correct the hazards within a reasonable period of  
32 time;

33 (ix) The individual left work because of illegal activities in the  
34 individual's worksite, the individual reported such activities to the

1 employer, and the employer failed to end such activities within a  
2 reasonable period of time;

3 (x) The individual's usual work was changed to work that violates  
4 the individual's religious convictions or sincere moral beliefs; or

5 (xi) The individual left work to enter an apprenticeship program  
6 approved by the Washington state apprenticeship training council.  
7 Benefits are payable beginning Sunday of the week prior to the week in  
8 which the individual begins active participation in the apprenticeship  
9 program.

10 (2) With respect to separations that occur on or after September  
11 6, 2009:

12 (a) An individual shall be disqualified from benefits beginning  
13 with the first day of the calendar week in which he or she has left  
14 work voluntarily without good cause and thereafter for seven calendar  
15 weeks and until he or she has obtained bona fide work in employment  
16 covered by this title and earned wages in that employment equal to  
17 seven times his or her weekly benefit amount. Good cause reasons to  
18 leave work are limited to reasons listed in (b) of this subsection.

19 The disqualification shall continue if the work obtained is a mere  
20 sham to qualify for benefits and is not bona fide work. In  
21 determining whether work is of a bona fide nature, the commissioner  
22 shall consider factors including but not limited to the following:

23 (i) The duration of the work;

24 (ii) The extent of direction and control by the employer over the  
25 work; and

26 (iii) The level of skill required for the work in light of the  
27 individual's training and experience.

28 (b) An individual has good cause and is not disqualified from  
29 benefits under (a) of this subsection only under the following  
30 circumstances:

31 (i) He or she has left work to accept a bona fide offer of bona  
32 fide work as described in (a) of this subsection;

33 (ii) The separation was necessary because of the illness or  
34 disability of the claimant or the death, illness, or disability of a



1 member of the claimant's immediate family if:

2 (A) The claimant pursued all reasonable alternatives to preserve  
3 his or her employment status by requesting a leave of absence, by  
4 having promptly notified the employer of the reason for the absence,  
5 and by having promptly requested reemployment when again able to  
6 assume employment. These alternatives need not be pursued, however,  
7 when they would have been a futile act, including those instances when  
8 the futility of the act was a result of a recognized labor/management  
9 dispatch system; and

10 (B) The claimant terminated his or her employment status, and is  
11 not entitled to be reinstated to the same position or a comparable or  
12 similar position;

13 (iii) The claimant: (A) Left work to relocate for the employment  
14 of a spouse or domestic partner that is outside the existing labor  
15 market area; and (B) remained employed as long as was reasonable prior  
16 to the move;

17 (iv) The separation was necessary to protect the claimant or the  
18 claimant's immediate family members from domestic violence, as defined  
19 in RCW 26.50.010, or stalking, as defined in RCW 9A.46.110;

20 (v) The individual's usual compensation was reduced by twenty-five  
21 percent or more;

22 (vi) The individual's usual hours were reduced by twenty-five  
23 percent or more;

24 (vii) The individual's worksite changed, such change caused a  
25 material increase in distance or difficulty of travel, and, after the  
26 change, the commute was greater than is customary for workers in the  
27 individual's job classification and labor market;

28 (viii) The individual's worksite safety deteriorated, the  
29 individual reported such safety deterioration to the employer, and the  
30 employer failed to correct the hazards within a reasonable period of  
31 time;

32 (ix) The individual left work because of illegal activities in the  
33 individual's worksite, the individual reported such activities to the  
34 employer, and the employer failed to end such activities within a

1 reasonable period of time;

2 (x) The individual's usual work was changed to work that violates  
3 the individual's religious convictions or sincere moral beliefs; or

4 (xi) The individual left work to enter an apprenticeship program  
5 approved by the Washington state apprenticeship training council.  
6 Benefits are payable beginning Sunday of the week prior to the week in  
7 which the individual begins active participation in the apprenticeship  
8 program.

9

10 **Sec. 4.** RCW 50.22.010 and 1993 c 483 s 15 are each amended to  
11 read as follows:

12 As used in this chapter, unless the context clearly indicates  
13 otherwise:

14 (1) "Extended benefit period" means a period which:

15 (a) Begins with the third week after a week for which there is an  
16 "on" indicator; and

17 (b) Ends with the third week after the first week for which there  
18 is an "off" indicator: PROVIDED, That no extended benefit period  
19 shall last for a period of less than thirteen consecutive weeks, and  
20 further that no extended benefit period may begin by reason of an "on"  
21 indicator before the fourteenth week after the close of a prior  
22 extended benefit period which was in effect with respect to this  
23 state.

24 (2) There is an "on" indicator for this state for a week if the  
25 commissioner determines, in accordance with the regulations of the  
26 United States secretary of labor, that for the period consisting of  
27 such week and the immediately preceding twelve weeks:

28 (a) The rate of insured unemployment, not seasonally adjusted,  
29 equaled or exceeded one hundred twenty percent of the average of such  
30 rates for the corresponding thirteen-week period ending in each of the  
31 preceding two calendar years and equaled or exceeded five percent; or

32 (b) For benefits for weeks of unemployment beginning after March  
33 6, 1993:

34

1 (i) The average rate of total unemployment, seasonally adjusted,  
2 as determined by the United States secretary of labor, for the period  
3 consisting of the most recent three months for which data for all  
4 states are published before the close of the week equals or exceeds  
5 six and one-half percent; and

6 (ii) The average rate of total unemployment in the state,  
7 seasonally adjusted, as determined by the United States secretary of  
8 labor, for the three-month period referred to in (b)(i) of this  
9 subsection, equals or exceeds one hundred ten percent of the average  
10 for either or both of the corresponding three-month periods ending in  
11 the two preceding calendar years.

12 (3) "High unemployment period" means any period of unemployment  
13 beginning after March 6, 1993, during which an extended benefit period  
14 would be in effect if:

15 (a) The average rate of total unemployment, seasonally adjusted,  
16 as determined by the United States secretary of labor, for the period  
17 consisting of the most recent three months for which data for all  
18 states are published before the close of the week equals or exceeds  
19 eight percent; and

20 (b) The average rate of total unemployment in the state,  
21 seasonally adjusted, as determined by the United States secretary of  
22 labor, for the three-month period referred to in (a) of this  
23 subsection, equals or exceeds one hundred ten percent of the average  
24 for either or both of the corresponding three-month periods ending in  
25 the two preceding calendar years.

26 (4) There is an "off" indicator for this state for a week only if,  
27 for the period consisting of such week and immediately preceding  
28 twelve weeks, none of the options specified in subsection (2) or (3)  
29 of this section result in an "on" indicator.

30 (5) "Regular benefits" means benefits payable to an individual  
31 under this title or under any state law (including benefits payable to  
32 federal civilian employees and to ex-servicemen pursuant to 5 U.S.C.  
33 chapter 85) other than extended benefits or additional benefits.

34

1 (6) "Extended benefits" means benefits payable for weeks of  
2 unemployment beginning in an extended benefit period to an individual  
3 under this title or under any state law (including benefits payable to  
4 federal civilian employees and to ex-servicemen pursuant to 5 U.S.C.  
5 chapter 85) other than regular or additional benefits.

6 (7) "Additional benefits" are benefits totally financed by the  
7 state and payable under this title to exhaustees by reason of  
8 conditions of high unemployment or by reason of other special factors.

9 (8) "Eligibility period" of an individual means:

10 (a) The period consisting of the weeks in his or her benefit year  
11 which begin in an extended benefit period that is in effect in this  
12 state and, if his or her benefit year ends within such extended  
13 benefit period, any weeks thereafter which begin in such period; or

14 (b) For an individual who is eligible for emergency unemployment  
15 compensation during the extended benefit period beginning February 15,  
16 2009, the period consisting of the week ending February 28, 2009,  
17 through the week ending May 29, 2010.

18 (9) "Additional benefit eligibility period" of an individual means  
19 the period consisting of the weeks in his or her benefit year which  
20 begin in an additional benefit period that is in effect and, if his or  
21 her benefit year ends within such additional benefit period, any weeks  
22 thereafter which begin in such period.

23 (10) "Exhaustee" means an individual who, with respect to any week  
24 of unemployment in his or her eligibility period:

25 (a) Has received, prior to such week, all of the regular benefits  
26 that were payable to him or her under this title or any other state  
27 law (including dependents' allowances and regular benefits payable to  
28 federal civilian employees and ex-servicemen under 5 U.S.C. chapter  
29 85) in his or her current benefit year that includes such week; or

30 (b) Has received, prior to such week, all of the regular benefits  
31 that were available to him or her under this title or any other state  
32 law (including dependents' allowances and regular benefits available  
33 to federal civilian employees and ex-servicemen under 5 U.S.C. chapter  
34 85) in his or her current benefit year that includes such week, after

1 the cancellation of some or all of his or her wage credits or the  
2 total or partial reduction of his or her rights to regular benefits:  
3 PROVIDED, That, for the purposes of (a) and (b), an individual shall  
4 be deemed to have received in his or her current benefit year all of  
5 the regular benefits that were payable to him or her, or available to  
6 him or her, as the case may be, even though:

7 (i) As a result of a pending appeal with respect to wages or  
8 employment, or both, that were not included in the original monetary  
9 determination with respect to his or her current benefit year, he or  
10 she may subsequently be determined to be entitled to more regular  
11 benefits; or

12 (ii) By reason of the seasonal provisions of another state law, he  
13 or she is not entitled to regular benefits with respect to such week  
14 of unemployment (although he or she may be entitled to regular  
15 benefits with respect to future weeks of unemployment in the next  
16 season, as the case may be, in his or her current benefit year), and  
17 he or she is otherwise an exhaustee within the meaning of this section  
18 with respect to his or her right to regular benefits under such state  
19 law seasonal provisions during the season or off season in which that  
20 week of unemployment occurs; or

21 (iii) Having established a benefit year, no regular benefits are  
22 payable to him or her during such year because his or her wage credits  
23 were canceled or his or her right to regular benefits was totally  
24 reduced as the result of the application of a disqualification; or

25 (c) His or her benefit year having ended prior to such week, he or  
26 she has insufficient wages or employment, or both, on the basis of  
27 which he or she could establish in any state a new benefit year that  
28 would include such week, or having established a new benefit year that  
29 includes such week, he or she is precluded from receiving regular  
30 benefits by reason of the provision in RCW 50.04.030 which meets the  
31 requirement of section 3304(a)(7) of the Federal Unemployment Tax Act,  
32 or the similar provision in any other state law; and

33 (d)(i) Has no right for such week to unemployment benefits or  
34 allowances, as the case may be, under the Railroad Unemployment

1 Insurance Act, the Trade Expansion Act of 1962, and such other federal  
2 laws as are specified in regulations issued by the United States  
3 secretary of labor; and

4 (ii) Has not received and is not seeking for such week  
5 unemployment benefits under the unemployment compensation law of  
6 Canada, unless the appropriate agency finally determines that he or  
7 she is not entitled to unemployment benefits under such law for such  
8 week.

9 (11) "State law" means the unemployment insurance law of any  
10 state, approved by the United States secretary of labor under section  
11 3304 of the internal revenue code of 1954.

12  
13 NEW SECTION. **Sec. 5.** If any part of this act is found to be in  
14 conflict with federal requirements that are a prescribed condition to  
15 the allocation of federal funds to the state or the eligibility of  
16 employers in this state for federal unemployment tax credits, the  
17 conflicting part of this act is inoperative solely to the extent of  
18 the conflict, and the finding or determination does not affect the  
19 operation of the remainder of this act. Rules adopted under this act  
20 must meet federal requirements that are a necessary condition to the  
21 receipt of federal funds by the state or the granting of federal  
22 unemployment tax credits to employers in this state.

23  
24 NEW SECTION. **Sec. 6.** If any provision of this act or its  
25 application to any person or circumstance is held invalid, the  
26 remainder of the act or the application of the provision to other  
27 persons or circumstances is not affected.

28  
29 NEW SECTION. **Sec. 7.** Section 4 of this act is necessary for the  
30 immediate preservation of the public peace, health, or safety, or  
31 support of the state government and its existing public institutions,  
32 and takes effect immediately."

33  
34 Correct the title.

1

**EFFECT:** Modifies the eligibility period for extended benefits for certain individuals who are eligible for emergency unemployment compensation. Adds an emergency clause applicable to the section relating to extended benefits.

--- END ---