
HOUSE BILL 1906

State of Washington

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2009 Regular Session

By Representatives Conway, Kenney, Wood, Moeller, Green, Hudgins, Williams, Dickerson, Sells, Sullivan, Appleton, Morrell, Hasegawa, Darneille, Ormsby, Kagi, Van De Wege, Santos, Goodman, McCoy, Cody, Simpson, and Nelson

Read first time 02/02/09. Referred to Committee on Commerce & Labor.

1 AN ACT Relating to improving economic security through unemployment
2 compensation; amending RCW 50.20.120, 50.22.150, 50.60.020, 50.60.030,
3 50.60.060, 50.60.070, 50.60.090, 50.60.100, and 50.29.021; adding a new
4 section to chapter 50.20 RCW; adding new sections to chapter 50.22 RCW;
5 creating new sections; providing effective dates; providing an
6 expiration date; and declaring an emergency.

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

8 NEW SECTION. **Sec. 1.** This act may be known and cited as the
9 economic security act of 2009.

10 **PART I - TEMPORARY BENEFIT INCREASE**

11 NEW SECTION. **Sec. 2.** A new section is added to chapter 50.20 RCW
12 to read as follows:

13 (1) This section applies beginning May 3, 2009.

14 (2)(a) For claims with an effective date before May 3, 2009, in
15 weeks of unemployment beginning on or after May 3, 2009, an
16 individual's weekly benefit amount shall be the amount established
17 under RCW 50.20.120 and subsection (3) of this section plus an

1 additional forty-five dollars. For individuals who have a balance of
2 regular unemployment benefits available, the weekly benefit amount
3 under this subsection (2)(a) is payable for all remaining weeks of
4 regular, extended, emergency, supplemental, or additional benefits on
5 that claim. For individuals who have exhausted regular benefits but
6 have a balance of training benefits available as provided in section 4
7 of this act or RCW 50.22.150, the weekly benefit amount under this
8 subsection (2)(a) is payable for all remaining weeks of training
9 benefits, but not for weeks of extended, emergency, supplemental, or
10 additional benefits on that claim unless specifically authorized under
11 federal or state law.

12 (b) For claims with an effective date on or after May 3, 2009, and
13 before January 3, 2010, an individual's weekly benefit amount shall be
14 the amount established under RCW 50.20.120 and subsection (3) of this
15 section plus an additional forty-five dollars. The weekly benefit
16 amount under this subsection (2)(b) is payable for all weeks of
17 regular, extended, emergency, supplemental, or additional benefits on
18 that claim.

19 (3)(a) For benefit years beginning before May 3, 2009, in weeks of
20 unemployment beginning on or after May 3, 2009, the minimum amount
21 payable weekly shall be one hundred fifty-five dollars. For
22 individuals who have a balance of regular unemployment benefits
23 available, the minimum amount payable weekly under this subsection
24 (3)(a) is payable for all remaining weeks of regular, extended,
25 emergency, supplemental, or additional benefits on that claim. For
26 individuals who have exhausted regular benefits but have a balance of
27 training benefits available as provided in section 4 of this act or RCW
28 50.22.150, the minimum amount payable weekly under this subsection
29 (3)(a) is payable for all remaining weeks of training benefits, but not
30 for weeks of extended, emergency, supplemental, or additional benefits
31 on that claim unless specifically authorized under federal or state
32 law.

33 (b) For benefit years beginning on or after May 3, 2009, and before
34 January 3, 2010, the minimum amount payable weekly shall be one hundred
35 fifty-five dollars. The minimum amount payable weekly under this
36 subsection (3)(b) is payable for all weeks of regular, extended,
37 emergency, supplemental, or additional benefits on that claim.

1 (4) The weekly benefit amounts and the minimum amounts payable
2 weekly under this section shall increase the maximum benefits payable
3 to the individual under RCW 50.20.120(1) by a corresponding dollar
4 amount.

5 (5) The weekly benefit amounts under this section shall increase
6 the maximum amount payable weekly, irrespective of the provisions of
7 RCW 50.20.120(3).

8 (6) Payment of benefits to individuals whose weekly benefit amounts
9 are increased under this section shall be subject to the same terms and
10 conditions under this title that apply to the payment of benefits to
11 individuals whose benefit amounts are established under RCW 50.20.120.

12 (7) This section expires January 2, 2010.

13 **Sec. 3.** RCW 50.20.120 and 2006 c 13 s 1 are each amended to read
14 as follows:

15 Except as provided in section 2 of this act, benefits shall be
16 payable as provided in this section.

17 ~~(1)((a) Subject to the other provisions of this title, benefits~~
18 ~~shall be payable to any eligible individual during the individual's~~
19 ~~benefit year in a maximum amount equal to the lesser of thirty times~~
20 ~~the weekly benefit amount, as determined in subsection (2) of this~~
21 ~~section, or one third of the individual's base year wages under this~~
22 ~~title: PROVIDED, That as to any week which falls in an extended~~
23 ~~benefit period as defined in RCW 50.22.010(1), an individual's~~
24 ~~eligibility for maximum benefits in excess of twenty six times his or~~
25 ~~her weekly benefit amount will be subject to the terms and conditions~~
26 ~~set forth in RCW 50.22.020.~~

27 ~~(b) With respect to claims that have an effective date on or after~~
28 ~~the first Sunday of the calendar month immediately following the month~~
29 ~~in which the commissioner finds that the state unemployment rate is six~~
30 ~~and eight tenths percent or less,)) For claims with an effective date~~
31 ~~on or after April 4, 2004, benefits shall be payable to any eligible~~
32 ~~individual during the individual's benefit year in a maximum amount~~
33 ~~equal to the lesser of twenty-six times the weekly benefit amount, as~~
34 ~~determined in subsection (2) of this section, or one-third of the~~
35 ~~individual's base year wages under this title.~~

36 ~~(2)((a) For claims with an effective date before January 4, 2004,~~
37 ~~an individual's weekly benefit amount shall be an amount equal to one~~

1 ~~twenty-fifth of the average quarterly wages of the individual's total~~
2 ~~wages during the two quarters of the individual's base year in which~~
3 ~~such total wages were highest.~~

4 ~~(b) With respect to claims with an effective date on or after~~
5 ~~January 4, 2004, and before January 2, 2005, an individual's weekly~~
6 ~~benefit amount shall be an amount equal to one twenty-fifth of the~~
7 ~~average quarterly wages of the individual's total wages during the~~
8 ~~three quarters of the individual's base year in which such total wages~~
9 ~~were highest.~~

10 ~~(c)(i) With respect to claims with an effective date on or after~~
11 ~~January 2, 2005, except as provided in (c)(ii) of this subsection, an~~
12 ~~individual's weekly benefit amount shall be an amount equal to one~~
13 ~~percent of the total wages paid in the individual's base year.~~

14 ~~(ii) With respect to))~~ For claims with an effective date on or
15 after ~~((the first Sunday following))~~ April ~~((22))~~ 24, 2005, an
16 individual's weekly benefit amount shall be an amount equal to three
17 and eighty-five one-hundredths percent of the average quarterly wages
18 of the individual's total wages during the two quarters of the
19 individual's base year in which such total wages were highest.

20 (3) The maximum and minimum amounts payable weekly shall be
21 determined as of each June 30th to apply to benefit years beginning in
22 the twelve-month period immediately following such June 30th.

23 ~~(a)((i) With respect to claims that have an effective date before~~
24 ~~January 4, 2004, the maximum amount payable weekly shall be seventy~~
25 ~~percent of the "average weekly wage" for the calendar year preceding~~
26 ~~such June 30th.~~

27 ~~(ii) With respect to claims that have an effective date on or after~~
28 ~~January 4, 2004,))~~ The maximum amount payable weekly shall be either
29 four hundred ninety-six dollars or sixty-three percent of the "average
30 weekly wage" for the calendar year preceding such June 30th, whichever
31 is greater.

32 (b) The minimum amount payable weekly shall be fifteen percent of
33 the "average weekly wage" for the calendar year preceding such June
34 30th.

35 (4) If any weekly benefit, maximum benefit, or minimum benefit
36 amount computed herein is not a multiple of one dollar, it shall be
37 reduced to the next lower multiple of one dollar.

1 (b) The individual must enter the approved training program by one
2 hundred twenty days after the date of the notification, unless the
3 employment security department determines that the training is not
4 available during the one hundred twenty days, in which case the
5 individual enters training as soon as it is available;

6 (c) The department may waive the deadlines established under this
7 subsection for reasons deemed by the commissioner to be good cause.

8 (4) The individual must be enrolled in training approved under this
9 section on a full-time basis as determined by the educational
10 institution, except that less than full-time training may be approved
11 when the individual has a physical, mental, or emotional disability
12 that precludes enrollment on a full-time basis.

13 (5) The individual must make satisfactory progress in the training
14 as defined by the commissioner and certified by the educational
15 institution.

16 (6) An individual is not eligible for training benefits under this
17 section if he or she:

18 (a) Is a standby claimant who expects recall to his or her regular
19 employer; or

20 (b) Has a definite recall date that is within six months of the
21 date he or she is laid off.

22 (7) The following definitions apply throughout this section unless
23 the context clearly requires otherwise.

24 (a) "Educational institution" means an institution of higher
25 education as defined in RCW 28B.10.016 or an educational institution as
26 defined in RCW 28C.04.410, including equivalent educational
27 institutions in other states.

28 (b) "High-demand occupation" means an occupation with a substantial
29 number of current or projected employment opportunities.

30 (c) "Training benefits" means additional benefits paid under this
31 section.

32 (d) "Training program" means:

33 (i) An education program determined to be necessary as a
34 prerequisite to vocational training after counseling at the educational
35 institution in which the individual enrolls under his or her approved
36 training program; or

37 (ii) A vocational training program at an educational institution
38 that:

1 (A) Is targeted to training for a high-demand occupation;

2 (B) Is likely to enhance the individual's marketable skills and
3 earning power; and

4 (C) Meets the criteria for performance developed by the workforce
5 training and education coordinating board for the purpose of
6 determining those training programs eligible for funding under Title I
7 of P.L. 105-220.

8 "Training program" does not include any course of education
9 primarily intended to meet the requirements of a baccalaureate or
10 higher degree, unless the training meets specific requirements for
11 certification, licensing, or for specific skills necessary for the
12 occupation.

13 (8) Benefits shall be paid as follows:

14 (a) The total training benefit amount shall be fifty-two times the
15 individual's weekly benefit amount, reduced by the total amount of
16 regular benefits and extended benefits paid, or deemed paid, with
17 respect to the benefit year.

18 (b) The weekly benefit amount shall be the same as the regular
19 weekly amount payable during the applicable benefit year and shall be
20 paid under the same terms and conditions as regular benefits.

21 (c) Training benefits shall be paid before any extended benefits
22 but not before any similar federally funded program.

23 (d) Training benefits are not payable for weeks more than two years
24 beyond the end of the benefit year of the regular claim.

25 (9) The requirement under RCW 50.22.010(10) relating to exhausting
26 regular benefits does not apply to an individual otherwise eligible for
27 training benefits under this section when the individual's benefit year
28 ends before his or her training benefits are exhausted and the
29 individual is eligible for a new benefit year. These individuals will
30 have the option of remaining on the original claim or filing a new
31 claim.

32 (10) Individuals who receive training benefits under RCW 50.22.150
33 or this section are not eligible for training benefits under this
34 section for five years from the last receipt of training benefits.

35 (11) An individual eligible to receive a trade readjustment
36 allowance under chapter 2, Title II of the trade act of 1974, as
37 amended, shall not be eligible to receive benefits under this section

1 for each week the individual receives such trade readjustment
2 allowance.

3 (12) An individual eligible to receive emergency unemployment
4 compensation under any federal law shall not be eligible to receive
5 benefits under this section for each week the individual receives such
6 compensation.

7 (13) All base year employers are interested parties to the approval
8 of training and the granting of training benefits.

9 (14) Each local workforce development council, in cooperation with
10 the employment security department and its labor market information
11 division, must identify occupations and skill sets that are declining
12 and high-demand occupations and skill sets. Each local workforce
13 development council shall update this information annually or more
14 frequently if needed.

15 (15) The commissioner shall adopt rules as necessary to implement
16 this section.

17 **Sec. 5.** RCW 50.22.150 and 2002 c 149 s 2 are each amended to read
18 as follows:

19 (1) This section applies to claims with an effective date before
20 April 5, 2009.

21 (2) Subject to availability of funds, training benefits are
22 available for an individual who is eligible for or has exhausted
23 entitlement to unemployment compensation benefits and who:

24 (a) Is a dislocated worker as defined in RCW 50.04.075;

25 (b) Except as provided under subsection (~~((2))~~) (3) of this
26 section, has demonstrated, through a work history, sufficient tenure in
27 an occupation or in work with a particular skill set. This screening
28 will take place during the assessment process;

29 (c) Is, after assessment of demand for the individual's occupation
30 or skills in the individual's labor market, determined to need job-
31 related training to find suitable employment in his or her labor
32 market. Beginning July 1, 2001, the assessment of demand for the
33 individual's occupation or skill sets must be substantially based on
34 declining occupation or skill sets identified in local labor market
35 areas by the local workforce development councils, in cooperation with
36 the employment security department and its labor market information
37 division, under subsection (~~((10))~~) (11) of this section;

1 (d) Develops an individual training program that is submitted to
2 the commissioner for approval within sixty days after the individual is
3 notified by the employment security department of the requirements of
4 this section;

5 (e) Enters the approved training program by ninety days after the
6 date of the notification, unless the employment security department
7 determines that the training is not available during the ninety-day
8 period, in which case the individual enters training as soon as it is
9 available; and

10 (f) Is enrolled in training approved under this section on a full-
11 time basis as determined by the educational institution, and is making
12 satisfactory progress in the training as certified by the educational
13 institution.

14 (~~(+2)~~) (3) Until June 30, 2002, the following individuals who meet
15 the requirements of subsection (~~(+1)~~) (2) of this section may, without
16 regard to the tenure requirements under subsection (~~(+1)~~) (2)(b) of
17 this section, receive training benefits as provided in this section:

18 (a) An exhaustee who has base year employment in the aerospace
19 industry assigned the standard industrial classification code "372" or
20 the North American industry classification system code "336411";

21 (b) An exhaustee who has base year employment in the forest
22 products industry, determined by the department, but including the
23 industries assigned the major group standard industrial classification
24 codes "24" and "26" or any equivalent codes in the North American
25 industry classification system code, and the industries involved in the
26 harvesting and management of logs, transportation of logs and wood
27 products, processing of wood products, and the manufacturing and
28 distribution of wood processing and logging equipment; or

29 (c) An exhaustee who has base year employment in the fishing
30 industry assigned the standard industrial classification code "0912" or
31 any equivalent codes in the North American industry classification
32 system code.

33 (~~(+3)~~) (4) An individual is not eligible for training benefits
34 under this section if he or she:

35 (a) Is a standby claimant who expects recall to his or her regular
36 employer;

37 (b) Has a definite recall date that is within six months of the
38 date he or she is laid off; or

1 (c) Is unemployed due to a regular seasonal layoff which
2 demonstrates a pattern of unemployment consistent with the provisions
3 of RCW 50.20.015. Regular seasonal layoff does not include layoff due
4 to permanent structural downsizing or structural changes in the
5 individual's labor market.

6 (~~(4)~~) (5) The definitions in this subsection apply throughout
7 this section unless the context clearly requires otherwise.

8 (a) "Educational institution" means an institution of higher
9 education as defined in RCW 28B.10.016 or an educational institution as
10 defined in RCW 28C.04.410, including equivalent educational
11 institutions in other states.

12 (b) "Sufficient tenure" means earning a plurality of wages in a
13 particular occupation or using a particular skill set during the base
14 year and at least two of the four twelve-month periods immediately
15 preceding the base year.

16 (c) "Training benefits" means additional benefits paid under this
17 section.

18 (d) "Training program" means:

19 (i) An education program determined to be necessary as a
20 prerequisite to vocational training after counseling at the educational
21 institution in which the individual enrolls under his or her approved
22 training program; or

23 (ii) A vocational training program at an educational institution:

24 (A) That is targeted to training for a high demand occupation.
25 Beginning July 1, 2001, the assessment of high demand occupations
26 authorized for training under this section must be substantially based
27 on labor market and employment information developed by local workforce
28 development councils, in cooperation with the employment security
29 department and its labor market information division, under subsection
30 (~~(10)~~) (11) of this section;

31 (B) That is likely to enhance the individual's marketable skills
32 and earning power; and

33 (C) That meets the criteria for performance developed by the
34 workforce training and education coordinating board for the purpose of
35 determining those training programs eligible for funding under Title I
36 of P.L. 105-220.

37 "Training program" does not include any course of education
38 primarily intended to meet the requirements of a baccalaureate or

1 higher degree, unless the training meets specific requirements for
2 certification, licensing, or for specific skills necessary for the
3 occupation.

4 ~~((+5+))~~ (6) Benefits shall be paid as follows:

5 (a)(i) Except as provided in (a)(iii) of this subsection, for
6 exhaustees who are eligible under subsection ~~((+1+))~~ (2) of this
7 section, the total training benefit amount shall be fifty-two times the
8 individual's weekly benefit amount, reduced by the total amount of
9 regular benefits and extended benefits paid, or deemed paid, with
10 respect to the benefit year; or

11 (ii) For exhaustees who are eligible under subsection ~~((+2+))~~ (3)
12 of this section, for claims filed before June 30, 2002, the total
13 training benefit amount shall be seventy-four times the individual's
14 weekly benefit amount, reduced by the total amount of regular benefits
15 and extended benefits paid, or deemed paid, with respect to the benefit
16 year; or

17 (iii) For exhaustees eligible under subsection ~~((+1+))~~ (2) of this
18 section from industries listed under subsection ~~((+2+))~~ (3)(a) of this
19 section, for claims filed on or after June 30, 2002, but before January
20 5, 2003, the total training benefit amount shall be seventy-four times
21 the individual's weekly benefit amount, reduced by the total amount of
22 regular benefits and extended benefits paid, or deemed paid, with
23 respect to the benefit year.

24 (b) The weekly benefit amount shall be the same as the regular
25 weekly amount payable during the applicable benefit year and shall be
26 paid under the same terms and conditions as regular benefits. The
27 training benefits shall be paid before any extended benefits but not
28 before any similar federally funded program.

29 (c) Training benefits are not payable for weeks more than two years
30 beyond the end of the benefit year of the regular claim.

31 ~~((+6+))~~ (7) The requirement under RCW 50.22.010(10) relating to
32 exhausting regular benefits does not apply to an individual otherwise
33 eligible for training benefits under this section when the individual's
34 benefit year ends before his or her training benefits are exhausted and
35 the individual is eligible for a new benefit year. These individuals
36 will have the option of remaining on the original claim or filing a new
37 claim.

1 ~~((7))~~ (8)(a) Except as provided in (b) of this subsection,
2 individuals who receive training benefits under this section or under
3 any previous additional benefits program for training are not eligible
4 for training benefits under this section for five years from the last
5 receipt of training benefits under this section or under any previous
6 additional benefits program for training.

7 (b) With respect to claims that are filed before January 5, 2003,
8 an individual in the aerospace industry assigned the standard
9 industrial code "372" or the North American industry classification
10 system code "336411" who received training benefits under this section,
11 and who had been making satisfactory progress in a training program but
12 did not complete the program, is eligible, without regard to the five-
13 year limitation of this section and without regard to the requirement
14 of subsection ~~((1))~~ (2)(b) of this section, if applicable, to receive
15 training benefits under this section in order to complete that training
16 program. The total training benefit amount that applies to the
17 individual is seventy-four times the individual's weekly benefit
18 amount, reduced by the total amount of regular benefits paid, or deemed
19 paid, with respect to the benefit year in which the training program
20 resumed and, if applicable, reduced by the amount of training benefits
21 paid, or deemed paid, with respect to the benefit year in which the
22 training program commenced.

23 ~~((8))~~ (9) An individual eligible to receive a trade readjustment
24 allowance under chapter 2 of Title II of the Trade Act of 1974, as
25 amended, shall not be eligible to receive benefits under this section
26 for each week the individual receives such trade readjustment
27 allowance. An individual eligible to receive emergency unemployment
28 compensation, so called, under any federal law, shall not be eligible
29 to receive benefits under this section for each week the individual
30 receives such compensation.

31 ~~((9))~~ (10) All base year employers are interested parties to the
32 approval of training and the granting of training benefits.

33 ~~((10))~~ (11) By July 1, 2001, each local workforce development
34 council, in cooperation with the employment security department and its
35 labor market information division, must identify occupations and skill
36 sets that are declining and occupations and skill sets that are in high
37 demand. For the purposes of RCW 50.22.130 through 50.22.150 and
38 section 9, chapter 2, Laws of 2000, "high demand" means demand for

1 employment that exceeds the supply of qualified workers for occupations
2 or skill sets in a labor market area. Local workforce development
3 councils must use state and locally developed labor market information.
4 Thereafter, each local workforce development council shall update this
5 information annually or more frequently if needed.

6 ~~((+11))~~ (12) The commissioner shall adopt rules as necessary to
7 implement this section.

8 NEW SECTION. **Sec. 6.** A new section is added to chapter 50.22 RCW
9 to read as follows:

10 The employment security department shall report to the appropriate
11 committees of the legislature by December 1, 2009, and every year
12 thereafter, on the status of the training benefits program and the
13 resulting outcomes. The department shall include in its report:

14 (1) A demographic analysis of participants in the training benefits
15 program under this section including the number of claimants per North
16 American industry classification system code and the gender, race, age,
17 and geographic representation of participants;

18 (2) The duration of training benefits claimed per claimant;

19 (3) An analysis of the training provided to participants including
20 the occupational category supported by the training, those participants
21 who complete training in relationship to those that do not, and the
22 reasons for noncompletion of approved training programs;

23 (4) The employment and wage history of participants, including the
24 pretraining and posttraining wage and whether those participating in
25 training return to their previous employer after training terminates;
26 and

27 (5) An identification and analysis of administrative costs at both
28 the local and state level for administering this program.

29 **PART III - SHARED WORK PROGRAM**

30 **Sec. 7.** RCW 50.60.020 and 1983 c 207 s 2 are each amended to read
31 as follows:

32 Unless the context clearly requires otherwise, the definitions in
33 this section apply throughout this chapter.

34 (1) "Affected ~~((unit))~~ employee" means a specified ~~((plant,~~

1 ~~department, shift, or other definable unit consisting of one or more~~
2 ~~employees))~~ employee, to which an approved shared work compensation
3 plan applies.

4 (2) "Fringe benefits" include health insurance, retirement benefits
5 under benefit pension plans as defined in section 3(35) of the employee
6 retirement income security act of 1974, paid vacation and holidays, and
7 sick leave, which are incidents of employment in addition to cash
8 remuneration.

9 (3) "Shared work benefits" means the benefits payable to
10 ~~((employees in))~~ an affected ~~((unit))~~ employee under an approved shared
11 work compensation plan as distinguished from the benefits otherwise
12 payable under this title.

13 (4) "Shared work compensation plan" means a plan of an employer, or
14 of an employers' association, under which there is a reduction in the
15 number of hours worked by employees rather than temporary layoffs.

16 (5) "Shared work employer" means an employer, one or more of whose
17 employees are covered by a shared work compensation plan.

18 (6) "Usual weekly hours of work" means the normal number of hours
19 of work for ~~((full-time employees in the affected unit))~~ the affected
20 employee when ~~((that unit))~~ he or she is ~~((operating))~~ working on a
21 full-time basis, not to exceed forty hours and not including overtime.

22 (7) "Unemployment compensation" means the benefits payable under
23 this title other than shared work benefits and includes any amounts
24 payable pursuant to an agreement under federal law providing for
25 compensation, assistance, or allowances with respect to unemployment.

26 (8) "Employers' association" means an association which is a party
27 to a collective bargaining agreement under which there is a shared work
28 compensation plan.

29 **Sec. 8.** RCW 50.60.030 and 1985 c 43 s 1 are each amended to read
30 as follows:

31 An employer or employers' association wishing to participate in a
32 shared work compensation program shall submit a written and signed
33 shared work compensation plan to the commissioner for approval. The
34 commissioner shall approve a shared work compensation plan only if the
35 following criteria are met:

36 (1) The plan identifies the affected ~~((units))~~ employees to which
37 it applies;

1 (2) ~~((An))~~ Each affected employee ~~((in an affected unit are))~~ is
2 identified by name, social security number, and by any other
3 information required by the commissioner;

4 (3) The usual weekly hours of work for ~~((an))~~ each affected
5 employee ~~((in an affected unit))~~ are reduced by not less than ten
6 percent and not more than fifty percent;

7 (4) Fringe benefits will continue to be provided on the same basis
8 as before the reduction in work hours. In no event shall the level of
9 health benefits be reduced due to a reduction in hours;

10 (5) The plan certifies that the aggregate reduction in work hours
11 for each affected employee is in lieu of temporary layoffs ~~((which~~
12 ~~would have affected at least ten percent of the employees in the~~
13 ~~affected units to which the plan applies and))~~ which would have
14 resulted in an equivalent reduction in work hours;

15 (6) ~~((The plan applies to at least ten percent of the employees in~~
16 ~~the affected unit;~~

17 ~~(+7))~~ The plan is approved in writing by the collective bargaining
18 agent for each collective bargaining agreement covering any affected
19 employee ~~((in the affected unit))~~;

20 ~~((+8))~~ (7) The plan will not subsidize seasonal employers during
21 the off season nor subsidize employers who have traditionally used
22 part-time employees; and

23 ~~((+9))~~ (8) The employer agrees to furnish reports necessary for
24 the proper administration of the plan and to permit access by the
25 commissioner to all records necessary to verify the plan before
26 approval and after approval to evaluate the application of the plan.

27 In addition to subsections (1) through ~~((+9))~~ (8) of this section,
28 the commissioner shall take into account any other factors which may be
29 pertinent.

30 **Sec. 9.** RCW 50.60.060 and 1983 c 207 s 6 are each amended to read
31 as follows:

32 A shared work compensation plan shall be effective on the date
33 ~~((specified in the plan or on))~~ agreed upon by the department and the
34 employer but no later than the first day of the second calendar week
35 after the date of the commissioner's approval, ~~((whichever is later))~~
36 unless a later date is requested by the employer. The plan shall
37 expire at the end of the twelfth full calendar month after its

1 effective date, or on the date specified in the plan if that date is
2 earlier, unless the plan is revoked before that date by the
3 commissioner. If a plan is revoked by the commissioner, it shall
4 terminate on the date specified in the commissioner's order of
5 revocation.

6 **Sec. 10.** RCW 50.60.070 and 1983 c 207 s 7 are each amended to read
7 as follows:

8 The commissioner may revoke approval of a shared work compensation
9 plan for good cause. The revocation order shall be in writing and
10 shall specify the date the revocation is effective and the reasons for
11 the revocation. Good cause for revocation shall include failure to
12 comply with the assurances given in the plan, unreasonable revision of
13 productivity standards ((for the affected unit)), conduct or
14 occurrences tending to defeat the intent and effective operation of the
15 plan, and violation of the criteria on which approval of the plan was
16 based.

17 Such action may be initiated at any time by the commissioner on his
18 or her own motion, on the motion of any of the affected ((unit))
19 employees, or on the motion of the appropriate collective bargaining
20 agents. The commissioner shall review each plan at least once within
21 the twelve month period the plan is in effect to assure that it
22 continues to meet the requirements of this chapter.

23 **Sec. 11.** RCW 50.60.090 and 1983 c 207 s 9 are each amended to read
24 as follows:

25 An individual is eligible to receive shared work benefits with
26 respect to any week only if, in addition to meeting the conditions of
27 eligibility for other benefits under this title, the commissioner finds
28 that:

29 (1) The individual was employed during that week as ((a member of))
30 an affected ((unit)) employee under an approved shared work
31 compensation plan which was in effect for that week;

32 (2) The individual was able to work and was available for
33 additional hours of work and for full-time work with the shared work
34 employer; and

35 (3) Notwithstanding any other provision of this chapter, an
36 individual is deemed to have been unemployed in any week for which

1 remuneration is payable to him or her as an affected employee (~~in an~~
2 ~~affected unit~~) for less than his or her normal weekly hours of work as
3 specified under the approved shared work compensation plan in effect
4 for that week.

5 **Sec. 12.** RCW 50.60.100 and 1983 c 207 s 10 are each amended to
6 read as follows:

7 (1) The shared work weekly benefit amount shall be the product of
8 the regular weekly unemployment compensation benefit amount multiplied
9 by the percentage of reduction in the individual's usual weekly hours
10 of work;

11 (2) No individual is eligible in any benefit year for more than the
12 maximum entitlement established for benefits under this title,
13 including benefits under this chapter(~~, nor may an individual be paid~~
14 ~~shared work benefits for more than a total of twenty six weeks in any~~
15 ~~twelve month period under a shared work compensation plan~~);

16 (3) The shared work benefits paid an individual shall be deducted
17 from the total benefit amount established for that individual's benefit
18 year;

19 (4) Claims for shared work benefits shall be filed in the same
20 manner as claims for other benefits under this title or as prescribed
21 by the commissioner by rule;

22 (5) Provisions otherwise applicable to unemployment compensation
23 claimants under this title apply to shared work claimants to the extent
24 that they are not inconsistent with this chapter;

25 (6)(a) If an individual works in the same week for an employer
26 other than the shared work employer and his or her combined hours of
27 work for both employers are equal to or greater than the usual weekly
28 hours of work with the shared work employer, the individual shall not
29 be entitled to benefits under this chapter or title;

30 (b) If an individual works in the same week for both the shared
31 work employer and another employer and his or her combined hours of
32 work for both employers are less than his or her usual weekly hours of
33 work, the benefit amount payable for that week shall be the weekly
34 unemployment compensation benefit amount reduced by the same percentage
35 that the combined hours are of the usual weekly hours of work(~~.—A~~
36 ~~week for which benefits are paid under this subsection shall count as~~
37 ~~a week of shared work benefits~~);

1 (7) An individual who does not work during a week for the shared
2 work employer, and is otherwise eligible, shall be paid his or her full
3 weekly unemployment compensation benefit amount(~~(. Such a week shall~~
4 ~~not be counted as a week for which shared work benefits were~~
5 ~~received))~~);

6 (8) An individual who does not work for the shared work employer
7 during a week but works for another employer, and is otherwise
8 eligible, shall be paid benefits for that week under the partial
9 unemployment compensation provisions of this title. (~~(Such a week~~
10 ~~shall not be counted as a week for which shared work benefits were~~
11 ~~received.))~~)

12 **PART IV - NONCHARGING PROVISION**

13 **Sec. 13.** RCW 50.29.021 and 2008 c 323 s 2 are each amended to read
14 as follows:

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

18 (2)(a) An experience rating account shall be established and
19 maintained for each employer, except employers as described in RCW
20 50.44.010, 50.44.030, and 50.50.030 who have properly elected to make
21 payments in lieu of contributions, taxable local government employers
22 as described in RCW 50.44.035, and those employers who are required to
23 make payments in lieu of contributions, based on existing records of
24 the employment security department.

25 (b) Benefits paid to an eligible individual shall be charged to the
26 experience rating accounts of each of such individual's employers
27 during the individual's base year in the same ratio that the wages paid
28 by each employer to the individual during the base year bear to the
29 wages paid by all employers to that individual during that base year,
30 except as otherwise provided in this section.

31 (c) When the eligible individual's separating employer is a covered
32 contribution paying base year employer, benefits paid to the eligible
33 individual shall be charged to the experience rating account of only
34 the individual's separating employer if the individual qualifies for
35 benefits under:

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

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

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

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

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

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

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

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

35 (d) In the case of individuals who requalify for benefits under RCW
36 50.20.050 or 50.20.060, benefits based on wage credits earned prior to
37 the disqualifying separation shall not be charged to the experience

1 rating account of the contribution paying employer from whom that
2 separation took place.

3 (e) Benefits paid to an individual who qualifies for benefits under
4 RCW 50.20.050(2)(b) (iv) or (xi), as applicable, shall not be charged
5 to the experience rating account of any contribution paying employer.

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

12 (g) The forty-five dollar increase paid as part of an individual's
13 weekly benefit amount as provided in section 2 of this act shall not be
14 charged to the experience rating account of any contribution paying
15 employer.

16 (h) Training benefits paid to an individual under section 6 of this
17 act shall not be charged to the experience rating account of any
18 contribution paying employer.

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

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

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

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

33 (iv) Continues to be employed on a regularly scheduled permanent
34 part-time basis by a base year employer and who at some time during the
35 base year was concurrently employed and subsequently separated from at
36 least one other base year employer. Benefit charge relief ceases when
37 the employment relationship between the employer requesting relief and

1 the claimant is terminated. This subsection does not apply to shared
2 work employers under chapter 50.06 RCW.

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

10

PART V - MISCELLANEOUS

11 NEW SECTION. **Sec. 14.** Sections 2 and 3 of this act are necessary
12 for the immediate preservation of the public peace, health, or safety,
13 or support of the state government and its existing public
14 institutions, and take effect May 3, 2009.

15 NEW SECTION. **Sec. 15.** Sections 4 through 13 of this act are
16 necessary for the immediate preservation of the public peace, health,
17 or safety, or support of the state government and its existing public
18 institutions, and take effect April 5, 2009.

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

29 NEW SECTION. **Sec. 17.** If any provision of this act or its
30 application to any person or circumstance is held invalid, the
31 remainder of the act or the application of the provision to other
32 persons or circumstances is not affected.

1 NEW SECTION. **Sec. 18.** Part headings used in this act are not any
2 part of the law.

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