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HOUSE BILL 2647

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State of Washington

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By Representatives Conway, Moeller, Williams, Green, White, Appleton, Simpson, Kenney, Hudgins, Morrell, Hunt, Ormsby, Haigh, and Roberts; by request of Employment Security Department

Prefiled 01/08/10. Read first time 01/11/10. Referred to Committee on Commerce & Labor.

1 AN ACT Relating to allowing certain individuals to seek part-time  
2 employment while maintaining eligibility for unemployment insurance in  
3 order to qualify for the unemployment insurance modernization incentive  
4 provisions of the American recovery and reinvestment act of 2009;  
5 amending RCW 50.04.310, 50.20.119, and 50.20.100; creating a new  
6 section; and providing an effective date.

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

8 **Sec. 1.** RCW 50.04.310 and 2007 c 146 s 5 are each amended to read  
9 as follows:

10 (1) An individual is "unemployed" in any week during which the  
11 individual performs no services and with respect to which no  
12 remuneration is payable to the individual, or in any week of less than  
13 full time work, if the remuneration payable to the individual with  
14 respect to such week is less than one and one-third times the  
15 individual's weekly benefit amount plus five dollars. The commissioner  
16 shall prescribe regulations applicable to unemployed individuals making  
17 such distinctions in the procedures as to such types of unemployment as  
18 the commissioner deems necessary.

1 (2) An individual is not "unemployed" during any week which falls  
2 totally within a period during which the individual, pursuant to a  
3 collective bargaining agreement or individual employment contract, is  
4 employed full time in accordance with a definition of full time  
5 contained in the agreement or contract, and for which compensation for  
6 full time work is payable. This subsection may not be applied  
7 retroactively to an individual who had no guarantee of work at the  
8 start of such period and subsequently is provided additional work by  
9 the employer.

10 (3) An individual is not "unemployed" if he or she earned wages in  
11 part-time work as defined in RCW 50.20.119 and accepts suitable work as  
12 defined in RCW 50.20.100.

13 (4) An officer of a corporation who owns ten percent or more of the  
14 outstanding stock of the corporation, or a corporate officer who is a  
15 family member of an officer who owns ten percent or more of the  
16 outstanding stock of the corporation, whose claim for benefits is based  
17 on any wages with that corporation, is:

18 (a) Not "unemployed" in any week during the individual's term of  
19 office or ownership in the corporation, even if wages are not being  
20 paid;

21 (b) "Unemployed" in any week upon dissolution of the corporation or  
22 if the officer permanently resigns or is permanently removed from their  
23 appointment and responsibilities with that corporation in accordance  
24 with its articles of incorporation or bylaws.

25 As used in this section, "family member" means persons who are  
26 members of a family by blood or marriage as parents, stepparents,  
27 grandparents, spouses, children, brothers, sisters, stepchildren,  
28 adopted children, or grandchildren.

29 **Sec. 2.** RCW 50.20.119 and 2006 c 13 s 15 are each amended to read  
30 as follows:

31 (1) With respect to claims that have an effective date on or after  
32 January 2, 2005, and before January 2, 2011:

33 (a) An otherwise eligible individual may not be denied benefits for  
34 any week because the individual is a part-time worker and is available  
35 for, seeks, applies for, or accepts only work of seventeen or fewer  
36 hours per week by reason of the application of RCW 50.20.010(1)(c),

1 50.20.080, or 50.22.020(1) relating to availability for work and active  
2 search for work, or failure to apply for or refusal to accept suitable  
3 work.

4 ~~((+2))~~ (b) For purposes of this ~~((section))~~ subsection, "part-time  
5 worker" means an individual who: ~~((+a))~~ (i) Earned wages in  
6 "employment" in at least forty weeks in the individual's base year; and  
7 ~~((+b))~~ (ii) did not earn wages in "employment" in more than seventeen  
8 hours per week in any weeks in the individual's base year.

9 (2) With respect to claims that have an effective date on or after  
10 January 2, 2011, an otherwise eligible individual may not be denied  
11 benefits for any week solely because the individual is seeking only  
12 part-time work and is available for, is actively searching for, applies  
13 for, or accepts only part-time work by reason of the application of RCW  
14 50.20.010(1)(c), 50.20.080, or 50.22.020(1) relating to availability  
15 for work and active search for work or failure to apply for or refusal  
16 to accept suitable work, if the department determines that a majority  
17 of the weeks of work in the individual's base period were for part-time  
18 work. For purposes of this subsection:

19 (a) "Part-time work" means work of fewer than thirty-five hours per  
20 week; and

21 (b) "Seeking only part-time work" means seeking work that has  
22 comparable hours to the claimant's part-time work experience in the  
23 base period, except that a claimant must be available for at least  
24 twenty hours of work per week.

25 **Sec. 3.** RCW 50.20.100 and 2006 c 13 s 14 are each amended to read  
26 as follows:

27 (1) Suitable work for an individual is employment in an occupation  
28 in keeping with the individual's prior work experience, education, or  
29 training and if the individual has no prior work experience, special  
30 education, or training for employment available in the general area,  
31 then employment which the individual would have the physical and mental  
32 ability to perform. In determining whether work is suitable for an  
33 individual, the commissioner shall also consider the degree of risk  
34 involved to the individual's health, safety, and morals, the  
35 individual's physical fitness, the individual's length of unemployment  
36 and prospects for securing local work in the individual's customary

1 occupation, the distance of the available work from the individual's  
2 residence, and such other factors as the commissioner may deem  
3 pertinent, including state and national emergencies.

4 (2) For individuals with base year work experience in agricultural  
5 labor, any agricultural labor available from any employer shall be  
6 deemed suitable unless it meets conditions in RCW 50.20.110 or the  
7 commissioner finds elements of specific work opportunity unsuitable for  
8 a particular individual.

9 (3) For part-time workers as defined in RCW 50.20.119, suitable  
10 work (~~includes~~) for an individual in employment in suitable work  
11 under subsection (1) of this section:

12 (a) With respect to claims that have an effective date on or after  
13 January 3, 2005, and before January 2, 2011, is employment that is for  
14 seventeen or fewer hours per week.

15 (b) With respect to claims that have an effective date on or after  
16 January 2, 2011, is employment for a number of hours per week that is  
17 comparable to the number of hours worked per week for a majority of  
18 weeks in employment in the individual's base year, but no less than  
19 twenty hours per week.

20 (4) For individuals who have qualified for unemployment  
21 compensation benefits under RCW 50.20.050 (1)(b)(iv) or (2)(b)(iv), as  
22 applicable, an evaluation of the suitability of the work must consider  
23 the individual's need to address the physical, psychological, legal,  
24 and other effects of domestic violence or stalking.

25 NEW SECTION. Sec. 4. If any part of this act is found to be in  
26 conflict with federal requirements that are a prescribed condition to  
27 the allocation of federal funds to the state or the eligibility of  
28 employers in this state for federal unemployment tax credits, the  
29 conflicting part of this act is inoperative solely to the extent of the  
30 conflict, and the finding or determination does not affect the  
31 operation of the remainder of this act. Rules adopted under this act  
32 must meet federal requirements that are a necessary condition to the  
33 receipt of federal funds by the state or the granting of federal  
34 unemployment tax credits to employers in this state.

35 NEW SECTION. Sec. 5. If any provision of this act or its

1 application to any person or circumstance is held invalid, the  
2 remainder of the act or the application of the provision to other  
3 persons or circumstances is not affected.

4 NEW SECTION. **Sec. 6.** This act takes effect January 2, 2011.

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