
SENATE BILL 5319

State of Washington

61st Legislature

2009 Regular Session

By Senator Kohl-Welles; by request of Governor Gregoire

Read first time 01/20/09. Referred to Committee on Labor, Commerce & Consumer Protection.

1 AN ACT Relating to providing economic stimulus through the
2 unemployment insurance program; amending RCW 50.20.120, 50.29.021,
3 50.29.025, 50.22.150, 50.60.020, 50.60.030, 50.60.060, 50.60.070,
4 50.60.090, and 50.60.100; adding a new section to chapter 50.22 RCW;
5 providing effective dates; providing an expiration date; and declaring
6 an emergency.

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

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

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

1 ~~(b) With respect to claims that have an effective date on or after~~
2 ~~the first Sunday of the calendar month immediately following the month~~
3 ~~in which the commissioner finds that the state unemployment rate is six~~
4 ~~and eight tenths percent or less,))~~ Benefits shall be payable to any
5 eligible individual during the individual's benefit year in a maximum
6 amount equal to the lesser of twenty-six times the weekly benefit
7 amount, as determined in subsection (2) of this section, or one-third
8 of the individual's base year wages under this title.

9 (2)(a) For claims with an effective date (~~before January 4, 2004,~~
10 ~~an individual's weekly benefit amount shall be an amount equal to one~~
11 ~~twenty-fifth of the average quarterly wages of the individual's total~~
12 ~~wages during the two quarters of the individual's base year in which~~
13 ~~such total wages were highest.~~

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

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

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

30 (b) Beginning Sunday, May 3, 2009, an individual's weekly benefit
31 amount shall be the amount established under (a) of this subsection
32 plus an additional forty-five dollars, subject to the following:

33 (i) For claims with an effective date on or after May 3, 2009, and
34 ending with claims with an effective date before January 3, 2010, an
35 individual's weekly benefit amount shall be the amount established
36 under (a) of this subsection plus an additional forty-five dollars.
37 The additional forty-five dollars is payable for all weeks of regular,

1 extended, emergency, supplemental, or additional benefits on that
2 claim.

3 (ii) For claims with an effective date before May 3, 2009, an
4 individual's weekly benefit amount shall be increased by forty-five
5 dollars for weeks beginning May 3, 2009, subject to the following:

6 (A) For individuals with a balance of regular unemployment
7 benefits, the forty-five dollars is payable for all remaining weeks of
8 regular, extended, emergency, supplemental, or additional benefits on
9 that claim.

10 (B) For individuals who have exhausted regular benefits but have a
11 balance of training benefits as provided in RCW 50.22.150 or section 5
12 of this act, the forty-five dollars is payable for all remaining weeks
13 of training benefits but not for weeks of extended, emergency,
14 supplemental, or additional benefits on that claim unless specifically
15 authorized under federal or state law.

16 (iii) The additional forty-five dollars authorized under this
17 subsection shall increase the maximum amount payable weekly
18 irrespective of the provisions of subsection (3)(a) of this section.

19 (iv) The additional forty-five dollars shall serve to increase the
20 maximum benefits payable to the individual under subsection (1) of this
21 section by a corresponding amount.

22 (v) Except as otherwise provided in this subsection (2)(b), payment
23 of benefits for individuals whose weekly benefit amount includes the
24 forty-five dollars established under this subsection shall be subject
25 to the same terms and conditions under this title that apply to the
26 payment of benefits to an individual whose weekly benefit amount is
27 established under (a) of this subsection.

28 (vi) This subsection (2)(b) expires January 2, 2010. For claims
29 effective on or after January 3, 2010, the maximum benefits payable
30 will be determined under subsection (1) of this section, the weekly
31 benefit amount will be determined under (a) of this subsection, and the
32 maximum weekly benefit payable will be determined under subsection
33 (3)(a) of this section.

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

37 (a) ~~((i) With respect to claims that have an effective date before~~

1 ~~January 4, 2004, the maximum amount payable weekly shall be seventy~~
2 ~~percent of the "average weekly wage" for the calendar year preceding~~
3 ~~such June 30th.~~

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

9 (b) The minimum amount payable weekly shall be fifteen percent of
10 the "average weekly wage" for the calendar year preceding such June
11 30th.

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

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

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

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

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

33 (c) When the eligible individual's separating employer is a covered
34 contribution paying base year employer, benefits paid to the eligible
35 individual shall be charged to the experience rating account of only
36 the individual's separating employer if the individual qualifies for
37 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 RCW 50.20.120(2)(b) 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 5 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 **Sec. 3.** RCW 50.29.025 and 2007 c 51 s 1 are each amended to read
11 as follows:

12 (1) Except as provided in subsection (2) of this section, the
13 contribution rate for each employer subject to contributions under RCW
14 50.24.010 shall be determined under this subsection.

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

23 (b) The interval of the fund balance ratio, expressed as a
24 percentage, shall determine which tax schedule in (e) of this
25 subsection shall be in effect for assigning tax rates for the rate
26 year. The intervals for determining the effective tax schedule shall
27 be:

28	Interval of the	
29	Fund Balance Ratio	Effective
30	Expressed as a Percentage	Tax Schedule
31	2.90 and above	AA
32	2.10 to 2.89	A
33	1.70 to 2.09	B
34	1.40 to 1.69	C
35	1.00 to 1.39	D

1	0.70 to 0.99	E
2	Less than 0.70	F

3 (c) An array shall be prepared, listing all qualified employers in
4 ascending order of their benefit ratios. The array shall show for each
5 qualified employer: (i) Identification number; (ii) benefit ratio;
6 (iii) taxable payrolls for the four calendar quarters immediately
7 preceding the computation date and reported to the department by the
8 cut-off date; (iv) a cumulative total of taxable payrolls consisting of
9 the employer's taxable payroll plus the taxable payrolls of all other
10 employers preceding him or her in the array; and (v) the percentage
11 equivalent of the cumulative total of taxable payrolls.

12 (d) Each employer in the array shall be assigned to one of twenty
13 rate classes according to the percentage intervals of cumulative
14 taxable payrolls set forth in (e) of this subsection: PROVIDED, That
15 if an employer's taxable payroll falls within two or more rate classes,
16 the employer and any other employer with the same benefit ratio shall
17 be assigned to the lowest rate class which includes any portion of the
18 employer's taxable payroll.

19 (e) Except as provided in RCW 50.29.026, the contribution rate for
20 each employer in the array shall be the rate specified in the following
21 tables for the rate class to which he or she has been assigned, as
22 determined under (d) of this subsection, within the tax schedule which
23 is to be in effect during the rate year:

		Schedules of Contributions Rates for Effective Tax Schedule									
		Percent of Cumulative Taxable Payrolls		Rate							
		From	To Class	AA	A	B	C	D	E	F	
24		0.00	5.00	1	0.47	0.47	0.57	0.97	1.47	1.87	2.47
25		5.01	10.00	2	0.47	0.47	0.77	1.17	1.67	2.07	2.67
26		10.01	15.00	3	0.57	0.57	0.97	1.37	1.77	2.27	2.87
27		15.01	20.00	4	0.57	0.73	1.11	1.51	1.90	2.40	2.98
28		20.01	25.00	5	0.72	0.92	1.30	1.70	2.09	2.59	3.08
29		25.01	30.00	6	0.91	1.11	1.49	1.89	2.29	2.69	3.18
30		30.01	35.00	7	1.00	1.29	1.69	2.08	2.48	2.88	3.27
31		35.01	40.00	8	1.19	1.48	1.88	2.27	2.67	3.07	3.47

1	40.01	45.00	9	1.37	1.67	2.07	2.47	2.87	3.27	3.66
2	45.01	50.00	10	1.56	1.86	2.26	2.66	3.06	3.46	3.86
3	50.01	55.00	11	1.84	2.14	2.45	2.85	3.25	3.66	3.95
4	55.01	60.00	12	2.03	2.33	2.64	3.04	3.44	3.85	4.15
5	60.01	65.00	13	2.22	2.52	2.83	3.23	3.64	4.04	4.34
6	65.01	70.00	14	2.40	2.71	3.02	3.43	3.83	4.24	4.54
7	70.01	75.00	15	2.68	2.90	3.21	3.62	4.02	4.43	4.63
8	75.01	80.00	16	2.87	3.09	3.42	3.81	4.22	4.53	4.73
9	80.01	85.00	17	3.27	3.47	3.77	4.17	4.57	4.87	4.97
10	85.01	90.00	18	3.67	3.87	4.17	4.57	4.87	4.97	5.17
11	90.01	95.00	19	4.07	4.27	4.57	4.97	5.07	5.17	5.37
12	95.01	100.00	20	5.40	5.40	5.40	5.40	5.40	5.40	5.40

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

15 (i) Employers who do not meet the definition of "qualified
16 employer" by reason of failure to pay contributions when due shall be
17 assigned a contribution rate two-tenths higher than that in rate class
18 20 for the applicable rate year, except employers who have an approved
19 agency-deferred payment contract by September 30 of the previous rate
20 year. If any employer with an approved agency-deferred payment
21 contract fails to make any one of the succeeding deferred payments or
22 fails to submit any succeeding tax report and payment in a timely
23 manner, the employer's tax rate shall immediately revert to a
24 contribution rate two-tenths higher than that in rate class 20 for the
25 applicable rate year; and

26 (ii) For all other employers not qualified to be in the array, the
27 contribution rate shall be a rate equal to the average industry rate as
28 determined by the commissioner; however, the rate may not be less than
29 one percent.

30 (2) Beginning with contributions assessed for rate year 2005, the
31 contribution rate for each employer subject to contributions under RCW
32 50.24.010 shall be the sum of the array calculation factor rate and the
33 graduated social cost factor rate determined under this subsection, and
34 the solvency surcharge determined under RCW 50.29.041, if any.

35 (a) The array calculation factor rate shall be determined as
36 follows:

37 (i) An array shall be prepared, listing all qualified employers in
38 ascending order of their benefit ratios. The array shall show for each
39 qualified employer: (A) Identification number; (B) benefit ratio; and

1 (C) taxable payrolls for the four consecutive calendar quarters
2 immediately preceding the computation date and reported to the
3 employment security department by the cut-off date.

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

9	Benefit Ratio		Rate	Rate
10	At least	Less than	Class	(percent)
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	0.027500	0.028750	24	3.25
35	0.028750	0.030000	25	3.40
36	0.030000	0.031250	26	3.55

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

15 (b) The graduated social cost factor rate shall be determined as
16 follows:

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

25 (B) Except as provided in (b)(i)(D) of this subsection, if, on the
26 cut-off date, the balance in the unemployment compensation fund is
27 determined by the commissioner to be an amount that will provide more
28 than ten months of unemployment benefits, the commissioner shall
29 calculate the flat social cost factor for the rate year immediately
30 following the cut-off date by reducing the total social cost by the
31 dollar amount that represents the number of months for which the
32 balance in the unemployment compensation fund on the cut-off date will
33 provide benefits above ten months and dividing the result by the total
34 taxable payroll. However, the calculation under this subsection
35 (2)(b)(i)(B) for a rate year may not result in a flat social cost
36 factor that is more than four-tenths lower than the calculation under
37 (b)(i)(A) of this subsection for that rate year.

1 For the purposes of this subsection, the commissioner shall
2 determine the number of months of unemployment benefits in the
3 unemployment compensation fund using the benefit cost rate for the
4 average of the three highest calendar benefit cost rates in the twenty
5 consecutive completed calendar years immediately preceding the cut-off
6 date or a period of consecutive calendar years immediately preceding
7 the cut-off date that includes three recessions, if longer.

8 (C) Except as provided in (b)(i)(D) of this subsection, the minimum
9 flat social cost factor calculated under this subsection (2)(b) shall
10 be six-tenths of one percent, except that if the balance in the
11 unemployment compensation fund is determined by the commissioner to be
12 an amount that will provide:

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

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

19 (D) The flat social cost factor for employers in all rate classes
20 for rate year 2009 shall be sixteen-hundredths of one percent.

21 (ii)(A) Except as provided in (b)(ii)(B) of this subsection, the
22 graduated social cost factor rate for each employer in the array is the
23 flat social cost factor multiplied by the percentage specified as
24 follows for the rate class to which the employer has been assigned in
25 (a)(ii) of this subsection, except that the sum of an employer's array
26 calculation factor rate and the graduated social cost factor rate may
27 not exceed six and five-tenths percent or, for employers whose North
28 American industry classification system code is within "111," "112,"
29 "1141," "115," "3114," "3117," "42448," or "49312," may not exceed six
30 percent through rate year 2007 and may not exceed five and seven-tenths
31 percent for rate year 2008 and thereafter:

32 (I) Rate class 1 - 78 percent;

33 (II) Rate class 2 - 82 percent;

34 (III) Rate class 3 - 86 percent;

35 (IV) Rate class 4 - 90 percent;

36 (V) Rate class 5 - 94 percent;

37 (VI) Rate class 6 - 98 percent;

38 (VII) Rate class 7 - 102 percent;

1 (VIII) Rate class 8 - 106 percent;
2 (IX) Rate class 9 - 110 percent;
3 (X) Rate class 10 - 114 percent;
4 (XI) Rate class 11 - 118 percent; and
5 (XII) Rate classes 12 through 40 - 120 percent.

6 (B) For contributions assessed beginning July 1, 2005, through
7 December 31, 2007, for employers whose North American industry
8 classification system code is "111," "112," "1141," "115," "3114,"
9 "3117," "42448," or "49312," the graduated social cost factor rate is
10 zero.

11 (iii) For the purposes of this section:

12 (A) "Total social cost" means the amount calculated by subtracting
13 the array calculation factor contributions paid by all employers with
14 respect to the four consecutive calendar quarters immediately preceding
15 the computation date and paid to the employment security department by
16 the cut-off date from the total unemployment benefits paid to claimants
17 in the same four consecutive calendar quarters. To calculate the flat
18 social cost factor for rate year 2005, the commissioner shall calculate
19 the total social cost using the array calculation factor contributions
20 that would have been required to be paid by all employers in the
21 calculation period if (a) of this subsection had been in effect for the
22 relevant period. To calculate the flat social cost factor for rate
23 years 2010 and 2011, the forty-five dollar increase paid as part of an
24 individual's weekly benefit amount as provided in RCW 50.20.120(2)(b)
25 shall not be considered for purposes of calculating the total
26 unemployment benefits paid to claimants in the four consecutive
27 calendar quarters immediately preceding the computation date.

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

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

35 (i) The array calculation factor rate shall be two-tenths higher
36 than that in rate class 40, except employers who have an approved
37 agency-deferred payment contract by September 30th of the previous rate
38 year. If any employer with an approved agency-deferred payment

1 contract fails to make any one of the succeeding deferred payments or
2 fails to submit any succeeding tax report and payment in a timely
3 manner, the employer's tax rate shall immediately revert to an array
4 calculation factor rate two-tenths higher than that in rate class 40;
5 and

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

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

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

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

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

20 (ii) Beginning with contributions assessed for rate year 2008:

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

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

31 (C) The history factor shall be based on the total amounts of
32 benefits charged and contributions paid in the three fiscal years
33 ending prior to the computation date by employers not qualified to be
34 in the array, other than employers in (c) of this subsection, who were
35 first subject to contributions in the calendar year ending three years
36 prior to the computation date. The commissioner shall calculate the
37 history ratio by dividing the total amount of benefits charged by the
38 total amount of contributions paid in this three-year period by these

1 employers. The division shall be carried to the second decimal place
 2 with the remaining fraction disregarded unless it amounts to five
 3 one-hundredths or more, in which case the second decimal place shall be
 4 rounded to the next higher digit. The commissioner shall determine the
 5 history factor according to the history ratio as follows:

	History		History
	Ratio		Factor
			(percent)
	At least	Less than	
10	(I)	.95	90
11	(II)	.95	100
12	(III)	1.05	115

13 (3) Assignment of employers by the commissioner to industrial
 14 classification, for purposes of this section, shall be in accordance
 15 with established classification practices found in the (~~"Standard~~
 16 ~~Industrial Classification Manual" issued by the federal office of~~
 17 ~~management and budget to the third digit provided in the standard~~
 18 ~~industrial classification code, or in the~~) North American industry
 19 classification system code.

20 **Sec. 4.** RCW 50.22.150 and 2002 c 149 s 2 are each amended to read
 21 as follows:

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

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

- 27 (a) Is a dislocated worker as defined in RCW 50.04.075;
- 28 (b) Except as provided under subsection ~~((+2+))~~ (3) of this
 29 section, has demonstrated, through a work history, sufficient tenure in
 30 an occupation or in work with a particular skill set. This screening
 31 will take place during the assessment process;

32 (c) Is, after assessment of demand for the individual's occupation
 33 or skills in the individual's labor market, determined to need job-
 34 related training to find suitable employment in his or her labor

1 market. Beginning July 1, 2001, the assessment of demand for the
2 individual's occupation or skill sets must be substantially based on
3 declining occupation or skill sets identified in local labor market
4 areas by the local workforce development councils, in cooperation with
5 the employment security department and its labor market information
6 division, under subsection (~~(10)~~) (11) of this section;

7 (d) Develops an individual training program that is submitted to
8 the commissioner for approval within sixty days after the individual is
9 notified by the employment security department of the requirements of
10 this section;

11 (e) Enters the approved training program by ninety days after the
12 date of the notification, unless the employment security department
13 determines that the training is not available during the ninety-day
14 period, in which case the individual enters training as soon as it is
15 available; and

16 (f) Is enrolled in training approved under this section on a full-
17 time basis as determined by the educational institution, and is making
18 satisfactory progress in the training as certified by the educational
19 institution.

20 (~~(2)~~) (3) Until June 30, 2002, the following individuals who meet
21 the requirements of subsection (~~(1)~~) (2) of this section may, without
22 regard to the tenure requirements under subsection (~~(1)~~) (2)(b) of
23 this section, receive training benefits as provided in this section:

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

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

35 (c) An exhaustee who has base year employment in the fishing
36 industry assigned the standard industrial classification code "0912" or
37 any equivalent codes in the North American industry classification
38 system code.

1 (~~(3)~~) (4) An individual is not eligible for training benefits
2 under this section if he or she:

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

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

7 (c) Is unemployed due to a regular seasonal layoff which
8 demonstrates a pattern of unemployment consistent with the provisions
9 of RCW 50.20.015. Regular seasonal layoff does not include layoff due
10 to permanent structural downsizing or structural changes in the
11 individual's labor market.

12 (~~(4)~~) (5) The definitions in this subsection apply throughout
13 this section unless the context clearly requires otherwise.

14 (a) "Educational institution" means an institution of higher
15 education as defined in RCW 28B.10.016 or an educational institution as
16 defined in RCW 28C.04.410, including equivalent educational
17 institutions in other states.

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

22 (c) "Training benefits" means additional benefits paid under this
23 section.

24 (d) "Training program" means:

25 (i) An education program determined to be necessary as a
26 prerequisite to vocational training after counseling at the educational
27 institution in which the individual enrolls under his or her approved
28 training program; or

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

30 (A) That is targeted to training for a high demand occupation.
31 Beginning July 1, 2001, the assessment of high demand occupations
32 authorized for training under this section must be substantially based
33 on labor market and employment information developed by local workforce
34 development councils, in cooperation with the employment security
35 department and its labor market information division, under subsection
36 (~~(10)~~) (11) of this section;

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

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

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

10 ~~((+5))~~ (6) Benefits shall be paid as follows:

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

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

23 (iii) For exhaustees eligible under subsection ~~((+1))~~ (2) of this
24 section from industries listed under subsection ~~((+2))~~ (3)(a) of this
25 section, for claims filed on or after June 30, 2002, but before January
26 5, 2003, the total training benefit amount shall be seventy-four times
27 the individual's weekly benefit amount, reduced by the total amount of
28 regular benefits and extended benefits paid, or deemed paid, with
29 respect to the benefit year.

30 (b) The weekly benefit amount shall be the same as the regular
31 weekly amount payable during the applicable benefit year and shall be
32 paid under the same terms and conditions as regular benefits. The
33 training benefits shall be paid before any extended benefits but not
34 before any similar federally funded program.

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

37 ~~((+6))~~ (7) The requirement under RCW 50.22.010(10) relating to
38 exhausting regular benefits does not apply to an individual otherwise

1 eligible for training benefits under this section when the individual's
2 benefit year ends before his or her training benefits are exhausted and
3 the individual is eligible for a new benefit year. These individuals
4 will have the option of remaining on the original claim or filing a new
5 claim.

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

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

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

36 ~~((+9))~~ (10) All base year employers are interested parties to the
37 approval of training and the granting of training benefits.

1 (~~(10)~~) (11) By July 1, 2001, each local workforce development
2 council, in cooperation with the employment security department and its
3 labor market information division, must identify occupations and skill
4 sets that are declining and occupations and skill sets that are in high
5 demand. For the purposes of RCW 50.22.130 through 50.22.150 and
6 section 9, chapter 2, Laws of 2000, "high demand" means demand for
7 employment that exceeds the supply of qualified workers for occupations
8 or skill sets in a labor market area. Local workforce development
9 councils must use state and locally developed labor market information.
10 Thereafter, each local workforce development council shall update this
11 information annually or more frequently if needed.

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

14 NEW SECTION. **Sec. 5.** A new section is added to chapter 50.22 RCW
15 to read as follows:

16 (1) This section applies to claims with an effective date on or
17 after April 5, 2009.

18 (2) Subject to availability of funds, training benefits are
19 available for an individual who is eligible for or has exhausted
20 entitlement to unemployment compensation benefits when:

21 (a) The individual is a dislocated worker as defined in RCW
22 50.04.075 and, after assessment of the individual's labor market,
23 occupation, or skills, is determined to need job-related training to
24 find suitable employment in the individual's labor market. The
25 assessment of demand for the individual's occupation or skill sets must
26 be substantially based on declining occupation or skill sets and high-
27 demand occupations identified in local labor market areas by the local
28 workforce development councils in cooperation with the employment
29 security department and its labor market information division; or

30 (b) For claims with an effective date on or after July 5, 2009, the
31 individual:

32 (i) During the base period, the result of total reported wages
33 divided by total hours worked for that individual is less than one
34 hundred thirty percent of the state minimum wage, and after assessment,
35 it is determined that the individual's earning potential will be
36 enhanced through vocational training;

1 (ii) Served in the United States military during the twelve-month
2 period prior to the application date, was honorably discharged from
3 military service, and, after assessment, is determined to need job-
4 related training to find suitable employment in the individual's labor
5 market; or

6 (iii) Is disabled due to an injury or illness and, after
7 assessment, is determined to be unable to return to his or her previous
8 occupation and in need of job-related training to obtain suitable
9 employment in the individual's labor market.

10 (3)(a) The individual must develop an individual training program
11 that is submitted to the commissioner for approval within ninety days
12 after the individual is notified by the employment security department
13 of the requirements of this section;

14 (b) The individual must enter the approved training program by one
15 hundred twenty days after the date of the notification, unless the
16 employment security department determines that the training is not
17 available during the one hundred twenty days, in which case the
18 individual enters training as soon as it is available;

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

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

26 (5) The individual must make satisfactory progress in the training
27 as defined by the commissioner and certified by the educational
28 institution.

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

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

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

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

37 (a) "Educational institution" means an institution of higher

1 education as defined in RCW 28B.10.016 or an educational institution as
2 defined in RCW 28C.04.410, including equivalent educational
3 institutions in other states.

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

6 (c) "Training benefits" means additional benefits paid under this
7 section.

8 (d) "Training program" means:

9 (i) An education program determined to be necessary as a
10 prerequisite to vocational training after counseling at the educational
11 institution in which the individual enrolls under his or her approved
12 training program; or

13 (ii) A vocational training program at an educational institution
14 that:

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

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

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

22 "Training program" does not include any course of education
23 primarily intended to meet the requirements of a baccalaureate or
24 higher degree, unless the training meets specific requirements for
25 certification, licensing, or for specific skills necessary for the
26 occupation.

27 (8) Benefits shall be paid as follows:

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

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

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

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

1 (9) The requirement under RCW 50.22.010(10) relating to exhausting
2 regular benefits does not apply to an individual otherwise eligible for
3 training benefits under this section when the individual's benefit year
4 ends before his or her training benefits are exhausted and the
5 individual is eligible for a new benefit year. These individuals will
6 have the option of remaining on the original claim or filing a new
7 claim.

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

11 (11) An individual eligible to receive a trade readjustment
12 allowance under chapter 2, Title II of the trade act of 1974, as
13 amended, shall not be eligible to receive benefits under this section
14 for each week the individual receives such trade readjustment
15 allowance.

16 (12) An individual eligible to receive emergency unemployment
17 compensation under any federal law shall not be eligible to receive
18 benefits under this section for each week the individual receives such
19 compensation.

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

22 (14) Each local workforce development council, in cooperation with
23 the employment security department and its labor market information
24 division, must identify occupations and skill sets that are declining
25 and high-demand occupations and skill sets. Each local workforce
26 development council shall update this information annually or more
27 frequently if needed.

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

30 **Sec. 6.** 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,
35 department, shift, or other definable unit consisting of one or more
36 employees)) employee, to which an approved shared work compensation
37 plan applies.

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

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

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

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

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

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

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

26 **Sec. 7.** RCW 50.60.030 and 1985 c 43 s 1 are each amended to read
27 as follows:

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

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

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

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

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

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

12 ~~((The plan applies to at least ten percent of the employees in~~
13 ~~the affected unit;~~

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

17 ~~((+8))~~ (7) The plan will not subsidize seasonal employers during
18 the off season nor subsidize employers who have traditionally used
19 part-time employees; and

20 ~~((+9))~~ (8) The employer agrees to furnish reports necessary for
21 the proper administration of the plan and to permit access by the
22 commissioner to all records necessary to verify the plan before
23 approval and after approval to evaluate the application of the plan.

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

27 **Sec. 8.** RCW 50.60.060 and 1983 c 207 s 6 are each amended to read
28 as follows:

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

1 commissioner. If a plan is revoked by the commissioner, it shall
2 terminate on the date specified in the commissioner's order of
3 revocation.

4 **Sec. 9.** RCW 50.60.070 and 1983 c 207 s 7 are each amended to read
5 as follows:

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

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

21 **Sec. 10.** RCW 50.60.090 and 1983 c 207 s 9 are each amended to read
22 as follows:

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

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

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

33 (3) Notwithstanding any other provision of this chapter, an
34 individual is deemed to have been unemployed in any week for which
35 remuneration is payable to him or her as an affected employee (~~((in an~~

1 ~~affected unit~~)) for less than his or her normal weekly hours of work as
2 specified under the approved shared work compensation plan in effect
3 for that week.

4 **Sec. 11.** RCW 50.60.100 and 1983 c 207 s 10 are each amended to
5 read as follows:

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

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

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

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

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

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

29 (b) If an individual works in the same week for both the shared
30 work employer and another employer and his or her combined hours of
31 work for both employers are less than his or her usual weekly hours of
32 work, the benefit amount payable for that week shall be the weekly
33 unemployment compensation benefit amount reduced by the same percentage
34 that the combined hours are of the usual weekly hours of work(~~(. — A~~
35 ~~week for which benefits are paid under this subsection shall count as~~
36 ~~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 NEW SECTION. **Sec. 12.** Sections 1 through 3 of this act are
13 necessary for the immediate preservation of the public peace, health,
14 or safety, or support of the state government and its existing public
15 institutions, and take effect May 3, 2009.

16 NEW SECTION. **Sec. 13.** Sections 4 through 11 of this act are
17 necessary for the immediate preservation of the public peace, health,
18 or safety, or support of the state government and its existing public
19 institutions, and take effect April 5, 2009.

--- END ---