

# HOUSE BILL REPORT

## HB 2724

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**As Reported by House Committee On:**  
Labor & Workplace Standards

**Title:** An act relating to unemployment compensation for musicians.

**Brief Description:** Concerning unemployment compensation for musicians.

**Sponsors:** Representatives Sells, Ormsby, McBride and Tarleton.

**Brief History:**

**Committee Activity:**

Labor & Workplace Standards: 1/22/18, 1/29/18 [DPS].

**Brief Summary of Substitute Bill**

- Provides that for certain musicians, the required hours of covered employment for unemployment insurance eligibility is 504 hours rather than 680 hours.

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### HOUSE COMMITTEE ON LABOR & WORKPLACE STANDARDS

**Majority Report:** The substitute bill be substituted therefor and the substitute bill do pass. Signed by 4 members: Representatives Sells, Chair; Gregerson, Vice Chair; Doglio and Frame.

**Minority Report:** Do not pass. Signed by 2 members: Representatives Pike, Assistant Ranking Minority Member; Manweller.

**Minority Report:** Without recommendation. Signed by 1 member: Representative McCabe, Ranking Minority Member.

**Staff:** Joan Elgee (786-7106).

**Background:**

An individual performing services in employment is eligible to receive unemployment benefits if he or she: (1) worked at least 680 hours in covered employment in his or her base

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year; (2) was separated from employment through no fault of his or her own or quit work for good cause; and (3) is able to work and is actively searching for suitable work. The base year is generally the first four of the last five completed calendar quarters before the claimant applied for benefits. Eligible unemployed workers receive benefits based on wages received in the base year. The Employment Security Department administers unemployment insurance.

Some services are deemed not to be services in employment and are not covered, such as services that meet an independent contractor test. With respect to musicians and entertainers, services performed under a written contract with a purchaser for a specific engagement when the musician or entertainer performs no other duties and is not regularly and continuously employed by the purchaser are not services in employment. However, a musician or entertainer who performs for a music or entertainment business or as a member of a music or entertainment group is an employee of the business or group. A music or entertainment business or group is an employer whose principal business activity is music or entertainment. The term does not include entities who provide music or entertainment to members or patrons incidental to their principal business activity and does not include an individual employing musicians or entertainers on a casual basis.

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#### **Summary of Substitute Bill:**

The 680-hours requirement for unemployment compensation eligibility is modified for certain musicians. For a musician who earns at least 75 percent of his or her base year wages as an employee of a music or entertainment business or as a member of a music or entertainment group, the individual must have worked at least 504 hours in covered employment in the musician's base year.

The provisions apply to new claims filed on or after July 7, 2019.

#### **Substitute Bill Compared to Original Bill:**

The substitute bill changes the effective date and the date for application of the provision to new claims from January 5, 2020, to July 7, 2019.

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**Appropriation:** None.

**Fiscal Note:** Available.

**Effective Date of Substitute Bill:** The bill takes effect on July 7, 2019.

#### **Staff Summary of Public Testimony:**

(In support) Musicians for theaters and small orchestras are not able to collect unemployment because of the nature of their work. Musicians cobble together a modest living. Many have

worked for an employer for several years but cannot access unemployment benefits when there are gaps in employment. Twenty-four hours per week is considered full-time employment, but this does not include practice time, which is typically three to five hours per day, and other preparation time. It is very difficult to reach 680 hours.

(Opposed) None.

**Persons Testifying:** Representative Sells, prime sponsor; and Motter Snell, Chris Jones, Jay Easton, and Olivia Hamilton, American Federation of Musicians.

**Persons Signed In To Testify But Not Testifying:** None.