

# SENATE BILL REPORT

## SB 5398

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As Reported by Senate Committee On:  
Labor & Commerce, February 12, 2019

**Title:** An act relating to unemployment benefit eligibility for apprentices.

**Brief Description:** Concerning unemployment benefit eligibility for apprentices.

**Sponsors:** Senators Keiser, King, Van De Wege and Conway.

**Brief History:**

**Committee Activity:** Labor & Commerce: 2/07/19, 2/12/19 [DP].

**Brief Summary of Bill**

- Exempts individuals in the electrical apprenticeship training program, with respect to unemployment insurance benefits, from registering for job searches in an electronic labor exchange system and the Employment Security Department's job search monitoring program.
- Defines customary trade practices for purposes of being available to work.

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### SENATE COMMITTEE ON LABOR & COMMERCE

**Majority Report:** Do pass.

Signed by Senators Keiser, Chair; Conway, Vice Chair; King, Ranking Member; Braun, Saldaña, Walsh and Wellman.

**Staff:** Susan Jones (786-7404)

**Background:** Unemployment Benefit Eligibility Conditions. An unemployed individual is eligible to receive unemployment waiting period credits or benefits with respect to any week in the eligibility period if the individual:

- has registered for work at, and continues to report at, an employment office;
- has filed an application for an initial determination and made a claim for waiting period credit or for benefits;
- is able to work, and is available for work in any trade, occupation, profession, or business for which the individual is reasonably fitted;
- participates in reemployment services, if so referred; and

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- has been unemployed for a waiting period of one week.

To be available for work, an individual must be ready, able, and willing, to accept any suitable work immediately which may be offered and must be actively seeking work pursuant to customary trade practices. If a labor agreement or dispatch rules apply, customary trade practices must be in accordance with the applicable agreement or rules.

Electronic Labor Exchange System. After the initiation of benefits, all unemployment insurance claimants must register for job search in an electronic labor exchange system that supports direct employer access for the purpose of selecting job applicants. This does not apply to individuals with employer attachment, union referral, in commissioner-approved training, or who are the subject of antiharassment orders.

Job Search Monitoring. The Employment Security Department (ESD) has a job search monitoring program. An individual who has received five or more weeks of unemployment benefits, must provide evidence of seeking work for each week beyond five in which a claim is filed. This requirement does not apply to individuals with employer attachment, union referral, and certain other individuals. The evidence must demonstrate contacts with at least three employers per week or documented in-person job search activities at the local reemployment center at least three times per week. An individual who fails to fully comply with the job seeking requirements loses all benefits for all weeks during which the individual failed to comply; and the individual will be liable for repayment of benefits.

**Summary of Bill:** Customary trade practices, for purposes of being available to work, include compliance with an electrical apprenticeship training program that includes a recognized referral system under apprenticeship program standards approved by the Washington State Apprenticeship and Training Council.

Individuals complying with an electrical apprenticeship program are exempt from:

- registration for job search in the electronic labor exchange system; and
- ESD's job search monitoring.

The bill applies to claimed weeks of unemployment beginning on July 5, 2020.

**Appropriation:** None.

**Fiscal Note:** Available.

**Creates Committee/Commission/Task Force that includes Legislative members:** No.

**Effective Date:** Ninety days after adjournment of session in which bill is passed.

**Staff Summary of Public Testimony:** PRO: This is a simple bill. In the 1990s, when they were reworking the work search requirements, an exemption was provided for union apprentices who have an attachment to a hiring hall. Federal and state law provide that an apprentice is employed and has a commitment to the program. They cannot take a job and not show up at the apprenticeship program. There is no unemployment issue except during times like the Great Recession. This bill puts the nonunion electrical apprentices on the same

footing with the union apprentices. It is somewhat a follow-up to last year's work on electrical apprentices. It will strengthen the ability to meet the demand for electricians.

**Persons Testifying:** PRO: Senator Karen Keiser, Prime Sponsor; James King, Construction Industry Training Council.

**Persons Signed In To Testify But Not Testifying:** No one.