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**HOUSE BILL 1448**

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**State of Washington**

**67th Legislature**

**2021 Regular Session**

**By** Representatives Mosbrucker, Griffey, Sutherland, Graham, Dent, Volz, and Jacobsen

Read first time 02/01/21. Referred to Committee on Labor & Workplace Standards.

1 AN ACT Relating to prohibiting the deduction of payments to  
2 volunteer firefighters from unemployment insurance benefits; amending  
3 RCW 50.04.310 and 50.20.130; and creating new sections.

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

5 NEW SECTION. **Sec. 1.** (1) The legislature finds that volunteer  
6 firefighters provide a valuable service for communities. In some  
7 areas of the state, particularly in more rural areas, a fire  
8 protection district may rely solely on volunteer firefighters to  
9 provide this critical service.

10 (2) The legislature further finds that volunteer firefighters may  
11 receive some reimbursement for their contributions. These payments  
12 are not equivalent to compensation for their volunteer duties, and  
13 volunteers do not expect acceptance of such reimbursement to impact  
14 their eligibility or potential benefits under the unemployment  
15 insurance system if they were to lose their primary employment.

16 (3) The legislature therefore intends to exclude such payments  
17 received for service as a volunteer firefighter from unemployment  
18 insurance eligibility and benefit determinations.

19 **Sec. 2.** RCW 50.04.310 and 2013 c 66 s 1 are each amended to read  
20 as follows:

1 (1) (a) An individual:

2 ~~((a))~~ (i) Is "unemployed" in any week during which the  
3 individual performs no services and with respect to which no  
4 remuneration is payable to the individual, or in any week of less  
5 than full time work, if the remuneration payable to the individual  
6 with respect to such week is less than one and one-third times the  
7 individual's weekly benefit amount plus five dollars. The  
8 commissioner shall prescribe regulations applicable to unemployed  
9 individuals making such distinctions in the procedures as to such  
10 types of unemployment as the commissioner deems necessary.

11 ~~((b))~~ (ii) Is not "unemployed" in any week which falls totally  
12 within a period during which the individual, pursuant to a collective  
13 bargaining agreement or individual employment contract, is employed  
14 full time in accordance with a definition of full time contained in  
15 the agreement or contract, and for which compensation for full time  
16 work is payable. This subsection may not be applied retroactively to  
17 an individual who had no guarantee of work at the start of such  
18 period and subsequently is provided additional work by the employer.

19 (b) For purposes of (a)(i) of this subsection, payments for  
20 services as a volunteer firefighter are not considered remuneration.

21 (2) (a) An officer of a corporation who owns ten percent or more  
22 of the outstanding stock of the corporation, or a corporate officer  
23 who is a family member of an officer who owns ten percent or more of  
24 the outstanding stock of the corporation, whose claim for benefits is  
25 based on any wages with that corporation:

26 (i) Is not "unemployed" in any week during the individual's term  
27 of office or ownership in the corporation, even if wages are not  
28 being paid, unless the corporate officer's covered base year wages  
29 with that corporation are less than twenty-five percent of his or her  
30 total covered base year wages.

31 (ii) Is "unemployed" in any week upon dissolution of the  
32 corporation or if the officer permanently resigns or is permanently  
33 removed from their appointment and responsibilities with that  
34 corporation in accordance with its articles of incorporation or  
35 bylaws or if the corporate officer's covered base year wages with  
36 that corporation are less than twenty-five percent of his or her  
37 total covered base year wages.

38 (b) As used in this subsection (2), "family member" means persons  
39 who are members of a family by blood or marriage as parents,

1 stepparents, grandparents, spouses, children, brothers, sisters,  
2 stepchildren, adopted children, or grandchildren.

3 **Sec. 3.** RCW 50.20.130 and 2011 c 4 s 13 are each amended to read  
4 as follows:

5 (1) If an eligible individual is available for work for less than  
6 a full week, he or she shall be paid his or her weekly benefit amount  
7 reduced by one-seventh of such amount for each day that he or she is  
8 unavailable for work: PROVIDED, That if he or she is unavailable for  
9 work for three days or more of a week, he or she shall be considered  
10 unavailable for the entire week.

11 (2) Each eligible individual who is unemployed in any week shall  
12 be paid with respect to such week a benefit in an amount equal to his  
13 or her weekly benefit amount less:

14 (a) Seventy-five percent of that part of the remuneration (if  
15 any) payable to him or her with respect to such week which is in  
16 excess of five dollars; or

17 (b) For any weeks in which the individual is receiving training  
18 benefits as provided in RCW 50.22.155(2), half of that part of the  
19 remuneration (if any) payable to him or her with respect to such week  
20 which is in excess of five dollars.

21 (3) The benefits in this section, if not a multiple of one  
22 dollar, shall be reduced to the next lower multiple of one dollar.

23 (4) For purposes of this section, payments for services as a  
24 volunteer firefighter are not considered remuneration.

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  
30 the 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.

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