

ESHB 1893 - S AMD TO LC COMM AMD (S-5178.1/24) 795  
By Senator Holy

NOT CONSIDERED 03/07/2024

1 On page 2, beginning on line 5, after "judgment" strike all  
2 material through "judgment" on line 6 and insert ". If a final  
3 judgment finds that a strike is prohibited by state or federal law,  
4 any benefits paid are liable for repayment as set forth in RCW  
5 50.20.190"

6 On page 2, after line 15, insert the following:

7 "**Sec. 2.** RCW 50.20.160 and 2003 2nd sp.s. c 4 s 31 are each  
8 amended to read as follows:

9 (1) A determination of amount of benefits potentially payable  
10 issued pursuant to the provisions of RCW 50.20.120 and 50.20.140  
11 shall not serve as a basis for appeal but shall be subject to request  
12 by the claimant for reconsideration and/or for redetermination by the  
13 commissioner at any time within one year from the date of delivery or  
14 mailing of such determination, or any redetermination thereof:  
15 PROVIDED, That in the absence of fraud or misrepresentation on the  
16 part of the claimant, any benefits paid prior to the date of any  
17 redetermination which reduces the amount of benefits payable shall  
18 not be subject to recovery under the provisions of RCW 50.20.190. A  
19 denial of a request to reconsider or a redetermination shall be  
20 furnished the claimant in writing and provide the basis for appeal  
21 under the provisions of RCW 50.32.020.

22 (2) A determination of denial of benefits issued under the  
23 provisions of RCW 50.20.180 shall become final, in absence of timely  
24 appeal therefrom: PROVIDED, That the commissioner may reconsider and  
25 redetermine such determinations at any time within one year from  
26 delivery or mailing to correct an error in identity, omission of  
27 fact, or misapplication of law with respect to the facts.

28 (3) A determination of allowance of benefits shall become final,  
29 in absence of a timely appeal therefrom: PROVIDED, That the  
30 commissioner may redetermine such allowance at any time within two  
31 years following the benefit year in which such allowance was made in  
32 order to recover any benefits improperly paid and for which recovery

1 is provided under the provisions of RCW 50.20.190: AND PROVIDED  
2 FURTHER, That in the absence of fraud, misrepresentation, or  
3 nondisclosure, this provision or the provisions of RCW 50.20.190  
4 shall not be construed so as to permit redetermination or recovery of  
5 an allowance of benefits which having been made after consideration  
6 of the provisions of RCW 50.20.010(1)(c), or the provisions of RCW  
7 50.20.050, 50.20.060, or 50.20.080(~~(, or 50.20.090)~~) has become  
8 final.

9 (4) A redetermination may be made at any time: (a) To conform to  
10 a final court decision applicable to either an initial determination  
11 or a determination of denial or allowance of benefits; (b) in the  
12 event of a back pay award or settlement affecting the allowance of  
13 benefits; or (c) in the case of fraud, misrepresentation, or willful  
14 nondisclosure. Written notice of any such redetermination shall be  
15 promptly given by mail or delivered to such interested parties as  
16 were notified of the initial determination or determination of denial  
17 or allowance of benefits and any new interested party or parties who,  
18 pursuant to such regulation as the commissioner may prescribe, would  
19 be an interested party."

20 Renumber the remaining sections consecutively and correct any  
21 internal references accordingly.

22 On page 7, line 15, after "50.20.090" insert "and 50.20.160"

EFFECT: (1) Provides that if a final judgment finds that a strike is prohibited by state or federal law, any unemployment insurance benefits paid are liable for repayment under the recovery of benefit payment statute.

(2) Removes the provision that the disqualification would resume as of the date of a final judgment that the strike is prohibited by federal or state law.

(3) Removes a reference to the striking worker disqualification statute that prevents redetermination or recovery of benefits, thereby allowing the ESD commissioner's redetermination of benefit allowance within two years to recover benefits improperly paid and recovery under the recovery of benefit payment statute.

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