
HOUSE BILL 1684

State of Washington

68th Legislature

2023 Regular Session

By Representatives Slatter and Lekanoff

Read first time 01/31/23. Referred to Committee on Labor & Workplace Standards.

1 AN ACT Relating to clarifying procedures for federally recognized
2 tribes to report standard occupational classifications or job titles
3 of workers under the employment security act; and amending RCW
4 50.12.070.

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

6 **Sec. 1.** RCW 50.12.070 and 2020 c 334 s 2 are each amended to
7 read as follows:

8 (1)(a) Each employing unit shall keep true and accurate work
9 records, containing such information as the commissioner may
10 prescribe. Such records shall be open to inspection and be subject to
11 being copied by the commissioner or his or her authorized
12 representatives at any reasonable time and as often as may be
13 necessary. The commissioner may require from any employing unit any
14 sworn or unsworn reports with respect to persons employed by it,
15 which he or she deems necessary for the effective administration of
16 this title.

17 (b) An employer who contracts with another person or entity for
18 work subject to chapter 18.27 or 19.28 RCW shall obtain and preserve
19 a record of the unified business identifier account number for and
20 compensation paid to the person or entity performing the work. In

1 addition to the penalty in subsection (3) of this section, failure to
2 obtain or maintain the record is subject to RCW 39.06.010.

3 (2) (a) (i) Each employer shall register with the department and
4 obtain an employment security account number. Each employer shall
5 make periodic reports at such intervals as the commissioner may by
6 regulation prescribe, setting forth the remuneration paid for
7 employment to workers in its employ, the full names and social
8 security numbers of all such workers, the standard occupational
9 classification or job title of each worker, and the total hours
10 worked by each worker and such other information as the commissioner
11 may by regulation prescribe. Reporting the standard occupational
12 classification or job title of each worker is optional for employers
13 until October 1, 2022.

14 (ii) A federally recognized tribe may elect to report the
15 standard occupational classifications or job titles of workers. If a
16 federally recognized tribe elects to report standard occupational
17 classifications or job titles, it retains the option to opt out of
18 reporting at any time for any reason it deems necessary. The
19 department shall adopt rules to implement this subsection (2) (a) (ii).

20 (b) If the employing unit fails or has failed to report the
21 number of hours in a reporting period for which a worker worked, such
22 number will be computed by the commissioner and given the same force
23 and effect as if it had been reported by the employing unit. In
24 computing the number of such hours worked, the total wages for the
25 reporting period, as reported by the employing unit, shall be divided
26 by the dollar amount of the state's minimum wage in effect for such
27 reporting period and the quotient, disregarding any remainder, shall
28 be credited to the worker: PROVIDED, That although the computation so
29 made will not be subject to appeal by the employing unit, monetary
30 entitlement may be redetermined upon request if the department is
31 provided with credible evidence of the actual hours worked. Benefits
32 paid using computed hours are not considered an overpayment and are
33 not subject to collections when the correction of computed hours
34 results in an invalid or reduced claim; however:

35 (i) A contribution paying employer who fails to report the number
36 of hours worked will have its experience rating account charged for
37 all benefits paid that are based on hours computed under this
38 subsection; and

39 (ii) An employer who reimburses the trust fund for benefits paid
40 to workers and fails to report the number of hours worked shall

1 reimburse the trust fund for all benefits paid that are based on
2 hours computed under this subsection.

3 (3) Any employer who fails to keep and preserve records required
4 by this section shall be subject to a penalty determined by the
5 commissioner but not to exceed two hundred fifty dollars or two
6 hundred percent of the quarterly tax for each offense, whichever is
7 greater.

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