

CERTIFICATION OF ENROLLMENT

**HOUSE BILL 1684**

68th Legislature  
2023 Regular Session

Passed by the House March 7, 2023  
Yeas 69 Nays 26

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**Speaker of the House of  
Representatives**

Passed by the Senate April 12, 2023  
Yeas 45 Nays 4

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**President of the Senate**

Approved

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**Governor of the State of Washington**

CERTIFICATE

I, Bernard Dean, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **HOUSE BILL 1684** as passed by the House of Representatives and the Senate on the dates hereon set forth.

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**Chief Clerk**

FILED

**Secretary of State  
State of Washington**

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HOUSE BILL 1684

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Passed Legislature - 2023 Regular Session

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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